

2,89

THE ORIGINS AND DEVELOPMENT OF THE
INDIAN REMOVAL POLICY
1800-1840

An abstract of a Thesis by
Richard F. Worcester
May 1974
Drake University

The problem. The purpose of this work is to present a descriptive narrative of the men, problems and events which made up American Indian policy from 1800 to 1840. A primary objective is to trace the origins and mark the major developments of the Federal Government's policy of removing Indian tribes to the western side of the Mississippi River. Andrew Jackson's role in these developments will be stressed.

Procedure. After a brief review of pre-Jeffersonian Indian policy, the thesis traces the events which led from the formulation of the removal concept at the beginning of the 19th century to its final culmination in the late 1830's. By combining primary sources such as government documents and collected correspondence with recent secondary books and articles, the thesis focuses on the formulation of removal and not the actual removal operations.

Findings. The study finds that while removal was considered prior to the War of 1812, it was not until Indian military power east of the Mississippi was broken in that conflict, that removal came to be seen as the final solution to the Indian "problem" in the 1820's. James Monroe, John C. Calhoun and other federal leaders actually defined the policy which Andrew Jackson implemented. Jackson used this foundation, supported states' rights and allowed Congress to provide the necessary legislation for removal.

THE ORIGINS AND DEVELOPMENT OF THE
INDIAN REMOVAL POLICY

A Thesis
Presented to
The School of Graduate Studies
Drake University

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts in History

by
Richard F. Worcester
May 1974

1974
W89

THE ORIGINS AND DEVELOPMENT OF THE
INDIAN REMOVAL POLICY

by

Richard F. Worcester

Approved by Committee:

Dr. Charles Nelson

Chairman

Dr. Lewis Hainlin

Dr. Joseph Schneider

Earle L. Canfield

Dean of the School of Graduate Studies

389560

TABLE OF CONTENTS

CHAPTER	PAGE
1. INTRODUCTION	1
2. INDIAN POLICY BEFORE 1800	5
3. THE ORIGINS OF REMOVAL	23
4. THE QUEST FOR MODERATE REMOVAL	44
5. THE END OF MODERATION	69
6. THE DEVELOPMENT OF FORCED REMOVAL	93
7. THE SUCCESS OF REMOVAL	112
8. CONCLUSION	143
BIBLIOGRAPHY	154

Chapter 1

INTRODUCTION

The fate of the American Indian and his treatment by white Europeans since the settlement of North America are today very sensitive and important issues. Many feel that a great moral wrong has been committed by whites in their dealings with the Indians. The primary objective of this study will be to present a descriptive narrative of the men, problems and events which made up American Indian policy from 1800 to 1840. It is hoped this examination will show the development of the Indian removal policy and make clear why this course was chosen over other alternatives.

Francis Paul Prucha has recently examined these alternatives in an influential and revisionist essay. He concludes that by 1829, when Andrew Jackson took office as President, there were four possible solutions to the Indian problem: annihilation, assimilation, federal protection of Indians on small reserves or the removal of the tribes to areas west of the Mississippi.¹ In examining the development of the removal policy these alternatives must be kept in mind.

¹Francis Paul Prucha, "Andrew Jackson's Indian Policy: A Reassessment," Journal of American History, LVI (December, 1969), 527-539.

Removal of the Eastern Indians to the western side of the Mississippi was the most recently developed of the four alternatives and its success involved bitter debate, armed confrontation and occasional bloodshed. The violence connected with removal has caused many scholars to view the policy as an inhuman and cruel denial of Indian rights. Indian historians such as Grant Foreman, Angie Debo, Arthur DeRosier and Dee Brown have condemned the policy as racist, imperialistic and cultural genocide. Mary Young has characterized removal as a tool which land speculators used to cheat the Indian out of his land. Prucha pointed out many of these evils but concluded that removal was the only viable alternative in Indian policy. The argument is endless, but the fact that many sincere and sympathetic supporters of Indian rights advocated the policy should cause the reader to take a much more serious and in-depth look at removal.

This narrative will attempt to provide a close, detailed look at the development of the Indian removal policy. By trying to avoid value judgments throughout the work, the author will try to promote a better understanding of the policy. By focusing on the politics of Indian removal, the author hopes to explain why removal was chosen over the other alternatives. Key questions to be considered are when the leaders of the United States decided on removal of the Indians, what conditions made this necessary and the national political ramifications of the policy decision. Finally, the thesis

will describe key individuals, especially Andrew Jackson, in the hope that this will reveal the motives of the architects of Indian removal. Since it is the purpose of this study to examine the origin and development of the Indian removal policy, the focus will be on national politics and government; little will be said about the actual implementation of the policy. The actual removal operations are important and controversial, but the policy was politically mature before they began.

Both primary and secondary materials will be used in this study. The secondary sources include the works of most of the modern writers concerned with American Indian policy, such as Grant Foreman's Indian Removal: The Emigration of the Five Civilized Tribes of Indians; Arthur DeRosier's The Removal of the Choctaw Indians; and Francis Paul Prucha's American Indian Policy in the Formative Years: The Indian Trade and Intercourse Acts, 1790-1834. Among the most important primary sources utilized in this study are The Territorial Papers of the United States, the Indian Affairs volumes of the American State Papers series, the Annals of Congress and various Senate and House Documents. In addition, the author used several collections of letters, diaries and personal accounts written by men who were connected with Indian removal. These sources have been combined to give an overall picture and several differing interpretations on the subject, and have made it possible to study

effectively the origin and development of the Indian removal policy.

Chapter 2

INDIAN POLICY BEFORE 1800

Although during the colonial period there was no uniform Indian policy followed by British officials, several colonial conditions gave rise to general guidelines employed by the English in their dealings with the Indians. The most important of these was the maintenance of peace with the several tribes.¹ The very lives of the early colonists depended upon the good will of the native Americans. Only when the colonies grew stronger and better able to defend themselves was peace no longer necessary for sheer survival. Moreover, Indian wars turned out to be costly and bloody, and as a result the English throughout the colonial period sought to maintain the allegiance and friendship of the natives. This effort took several forms.

The English expressed a desire to convert and civilize the Indians. At Jamestown the colonists provided schools and money to teach Christianity and the civilized arts to

¹Francis Paul Prucha, American Indian Policy in the Formative Years: The Indian Trade and Intercourse Acts, 1790-1834 (Cambridge: Harvard University Press, 1962), pp. 5-6.

the tribes.¹ This approach was doomed to fail early in colonial history. The gap between the two cultures was too vast to be bridged by giving a few Indians an education. After an Indian attack in Virginia in 1622 plans for education and civilization of the natives diminished.² A few attempts along these lines continued during the colonial period, but successes were minimal and both the Indians and the colonists seemed apathetic toward the projects.

It was going to be necessary, at least in the near future, for the two civilizations to live side by side. Doing this peaceably would make it necessary for England and her colonies to work out some regulations governing the contact between Indians and whites. The major problem the English faced was the fact that their pattern of colonization involved a constant process of absorbing Indian land.³ In order to maintain the goodwill of the natives, colonial officials adopted methods of land purchase which the Indians would accept. The English paid the tribes for land but abuses marred the transfer from the very beginning. To prevent these abuses colonial laws were passed which negated all land sales that did not have government approval.⁴ The

¹Angie Debo, A History of the Indians of the United States (Norman: University of Oklahoma Press, 1970), pp. 40-41.

²Ibid., p. 42.

³Ibid., p. 53.

⁴Prucha, p. 6.

purpose was to prevent the tensions which arose from frauds committed against the Indians.

Another point of contact between whites and Indians was that of trade. Trade with the tribes played a very important economic role in all the colonies. By 1673 Virginia traders had reached the Cherokee; even before this Carolina traders had made contact with the Creeks. Trade was begun with the Chickasaws in 1698 and the Choctaw were reached in 1714.¹ In New England and the middle colonies the fur trade had always been a lure to new settlers, and this trade flourished throughout the colonial period.

Realizing the importance of this trade, colonial governments insisted on controlling the trade from the beginning. The licensing of traders became the universal means of regulation.² The colonial officials hoped to limit the trade to men who would deal honestly with the tribes and win their confidence and respect.

International political considerations overshadowed even the importance of trade in the formulation of colonial Indian policy.³ In 1689 England and France began a century of war, which spilled over to North America. In these wars the Indians became pawns in the struggle of the rival powers for control of the continent.⁴ Throughout this period the

¹Debo, p. 57.

²Prucha, p. 8.

³Ibid., p. 9.

⁴Debo, p. 54.

primary goal of English colonial Indian policy was to ensure the allegiance of the several tribes by making them dependent upon English trade. Giving presents to the Indians was a favorite method of achieving this objective.¹ The English were at a disadvantage in dealing with the Indians because the nature of their colonization pressed the Indians to give up land. The French, who basically desired Indian trade and not land, were quick to point this out to the Indians. Only by fair dealings and generous presents could the English hope to win Indian allies.

In order to insure honest behavior towards the tribes the British moved to strengthen their control over Indian trade and relations. In 1755 the British established northern and southern Indian Departments. Each department was headed by a superintendent whose responsibilities were to protect the Indians, distribute presents and enlist Indians as wartime allies. In addition, they were to exercise what control they could over the fur trade.² This procedure attempted to establish royal control over Indian affairs. It showed the increasing necessity for a centralized, uniform Indian policy. The process of centralization was to continue.

Although crown officials sought to limit those who could buy Indian lands, the attempt was largely unsuccessful. This failure resulted in many frauds and abuses against the

¹Prucha, p. 9.

²Ibid., p. 11.

natives. To correct this, orders were issued in 1761 prohibiting royal colonial governors from issuing grants to Indian lands. The orders specified that all requests for the purchase of Indian lands were to be forwarded to the Board of Trade in England.¹ The English government had now taken direct control of trade, land purchase, and the giving of presents to the Indians, and yet, there were still many abuses on the frontier. Due to the vast extent of the wilderness, trade and settlement were hard to regulate. The Indians began to realize that the advancing English frontier posed a far greater threat than the French fur trade. This caused many tribes (Shawnee, Cherokee, Indians of Ohio) to ally with the French during the French and Indian War.² Unfortunately for these tribes the French lost and were driven from North America. By 1763, when the French threat ended, English colonists began to spill over onto Indian lands.³

Pontiac's "Rebellion" (1763-65) was the result of this, and although the Indians were again defeated, the war was so bloody and costly that the English were convinced they needed a different policy to preserve the peace. The principles of the Proclamation of 1763 had been considered prior to the uprising and seemed the best answer. Accordingly, the

¹Ibid., p. 12.

²Debo, p. 63.

³Ibid., p. 65.

edict was issued and for the first time the English set the boundary between the Indians and the whites.¹ English colonists were forbidden to settle west of a line which ran along the Appalachians from Canada to Florida.² Separating the two races was one way the British felt they could maintain peace. They also realized the need for a more effective regulation of trade and in 1764 the frontier was divided into several small trading districts. Each area was to have a small fort and all trade was to be carried on at these posts under the direction of superintendents. This plan failed when the colonial governments refused to restrict the number of traders.³ This left the restriction of white settlements as the major policy of the British, and this program became a great source of friction between the expansionistic Americans and the peace-conscious British.

When the revolution broke out the Indians once again became pawns in a power struggle.⁴ This time it was between the British and their American colonists. The Americans immediately realized the need to keep the Indians from joining the British. In 1775 the Continental Congress established three Indian Departments (northern, southern, middle) and appointed commissioners for each. These appointees were to

¹Prucha, p. 13.

²Ibid., p. 19.

³Ray Allen Billington, Westward Expansion, A History of The American Frontier (New York: The MacMillan Company, 1949), pp. 140-141.

⁴Ibid., p. 26.

attempt to keep the Indians neutral.¹ However, the British had more of a hold over the Indians. They had known and respected agents, such as William Johnson and John Stuart, who wielded great influence among the tribes. These men could point out that it was the British who had restrained the American settlers and set a boundary between the farmers and the Redman. They tried to convince the tribes that if the British lost, the Americans would swarm onto their land. All of this was effective and most tribes sided with the British in the revolution.² Again, the Indians sided with the losers. At the end of the revolution the Americans were free and the British were driven into Canada, but the Indians still had to be pacified. The new government of the United States found itself faced with working out an Indian policy of its own. The goal of American leaders was to maintain peace with the Indians, and provide for an orderly advance of the frontier.³ In order to accomplish these tasks the new government adopted some of the old British principles and added some new concepts.

By 1783 most Americans agreed that Indian affairs belonged in the hands of the central government.⁴ Thus the government issued a proclamation declaring that purchases of Indian lands which had not been approved by Congress were

¹Ibid., p. 27.

²Debo, p. 68.

³Prucha, p. 3.

⁴Ibid., p. 29.

null and void. In addition, the Commissioner of Indian Affairs issued a report which said the first step was to establish boundaries between the white and red populations.¹ In spite of these acts the Articles of Confederation were rather vague on the subject of just who controlled Indian affairs. They stated that "The United States in Congress assembled shall also have the sole and exclusive right and power of ... regulating the trade and managing all affairs with the Indians, not members of any of the states, provided that the Legislative right of any state within its own limits be not infringed or violated."²

While this gave the central government control over the tribes outside the boundaries of the states, it left state and central authority in unclear positions concerning Indians within the states, and made it difficult for either to act. Congress had thus begun to formulate a national Indian policy, but enforcing it was going to be difficult, particularly in view of the uncertain division of authority between the central government and the states.

In the first Indian treaties after the revolution Congress dealt with the Indians as if they were conquered nations. Peace commissioners simply dictated new boundaries without paying the Indians for the ceded land.³ In reality,

¹Ibid., p. 32.

²Ibid., pp. 30-31.

³Ibid., p. 34.

the Indians hadn't been defeated and the tribes ignored these cessions. Congress was equipped with insufficient military power to enforce its decrees and the Indians, encouraged and supplied by England and Spain, continued to fight for the boundaries earlier recognized by the British government.¹

During the continuing border war the government under the Articles of Confederation proceeded to establish federal authority over Indian affairs. In 1786 Congress enacted "An Ordinance for the Regulation of Indian Affairs." This act reasserted the right of Congress to deal with the Indians, copied the old British policy by creating northern and southern Indian Departments, and required all traders to be licensed. The licenses were to cost fifty dollars for one year and a bond of \$3,000 was required for each trader.²

The Northwest Ordinance of 1787 added to the developing Indian policy of the United States. It stated that land could not be sold to white settlers until the Indian title had been extinguished by the government and the land had been surveyed. The ordinance also gave the territorial governor

¹Dale Van Every, Disinherited: The Lost Birthright of the American Indian (New York: William Morrow & Company, 1966), p. 87.

²Thomas C. Cochran (ed.), The New American State Papers, Indian Affairs, Vol. VI (Wilmington: Scholarly Resources Inc., 1972), p. 15.

the job of identifying the tribal headmen and chiefs who were then to be attached to the United States by every means available.¹ These measures were working to develop an Indian policy for the United States. The new government using British colonial precedent was asserting federal control over dealings with the tribes. The preservation of peace was the main object. It was felt this could be obtained by restricting white-Indian contact and this restriction was to be achieved by regulating trade and controlling land sales. These policies of the government under the Articles met with limited success. The Articles had made the powers of the central government so vague that it could not enforce its position.² White settlers were advancing rapidly into Indian lands and the government was too weak to hold back the onslaught. As a last resort treaties were signed, with the Cherokee, Choctaw and Chickasaw at Hopewell, Georgia in 1785 and 86, which fixed the boundaries of their territory and withdrew government protection from the white settlers who did not leave Indian lands within six months. The treaties also reasserted that Congress had the sole right of regulating trade with the Indians and managing their affairs.³ Thus, as the Confederation period drew to a close, Congress continued to assert its authority over Indian affairs in the

¹Debo, p. 73.

²Prucha, p. 36.

³Ibid., p. 35.

face of growing local pressure on the Indian territory. This was made difficult by the hazy relationship concerning state and federal authority over the Indians which was stated in the Articles of Confederation.¹

This confusion could have been cleared up by a stronger statement of authority in the Constitution. However, the Constitutional Convention gave little attention to Indian affairs. In the end the only mention of Indians was a short phrase which gave Congress the power to "regulate commerce...with the Indian tribes." This was a small foundation upon which to build a whole structure of federal legislation regarding the Indians.² But the Washington administration began the task of building a policy using this clause, experience from the colonial and confederation periods and clauses from the treaties signed at Hopewell.

When Washington became President an Indian war was raging on the frontier, so his main problem was to establish and maintain peace with the several tribes. There were two possible means to achieve this. The first method was to win a smashing victory over the Indians. Washington originally rejected this and attempted to implement the second alternative which was outlined by Secretary of War Henry Knox in a report to the President on June 15, 1789.

Knox suggested that a military victory over the

¹Ibid., p. 38.

²Ibid., p. 42.

hostile tribes was an impossibility given the weakness of the new government. Moreover, he argued that such military action would be inhumane and unjust. His plan was to form "treaties of peace with them in which their rights and limits should be explicitly defined, and the treaties observed on the part of the United States with the most rigid justice, by punishing whites, who should violate the same." Knox felt that a liberal system of justice was necessary for the redmen because their right to possess land had been recognized by the treaty of Fort Harmar in January, 1789.¹ In this treaty the United States had for the first time paid (in trade goods valued at \$3,000) the Indians for land.²

Knox wanted to continue this policy, and Washington agreed. This strategy became the cornerstone of the Washington Administration's Indian policy and the old concept of title by conquest was abandoned. The new policy called for the United States to negotiate with the tribes, demonstrate liberalness toward them, provide guarantees against white encroachment on Indian lands and give compensation for land cessions.³

¹Cochran, I, p. 12.

²Charles J. Kappler (ed.), Indian Treaties, 1778-1883 (New York: Interland Publishing Co., 1972), p. 24.

³Ibid.

Accepting these principles, Washington and Knox began to build a national Indian policy. This involved waiving the right of conquest, the establishment of definite boundaries between whites and Indians, treaty payments for land cessions, and efforts to win Indian allegiance to the United States through the fostering and development of trade. As Washington reported to the Senate in 1790, "the trade of the Indians is a main means of their political management."¹ Although seemingly humane, this policy was underlined by the contradictory purpose of extending and protecting the frontier. In order to do this, Washington felt the Indians must be assisted in learning the arts of civilization. This would enable them to exist within more restricted boundaries. He proposed to accomplish this by giving them domestic animals and farm implements, and by encouraging missionaries to live among them.² This plan marked a return to the concept that the Indians could be educated and assimilated, and added a further dimension to the developing American Indian policy.

Having outlined the program it was now up to Congress to act upon it. On July 22, 1790 Congress passed the first of several acts designed to "regulate trade and intercourse with the Indian tribes." This act provided for the licensing

¹James D. Richardson (ed.), Messages and Papers of the Presidents, 1789-1897 (Washington, D.C.: G.P.O., 1896), Vol. I, p. 76.

²Ibid., p. 74.

of traders and established penalties for trading without a license. It also reasserted that Indian lands could be purchased only by public treaties with the United States. Finally, it provided for the punishment of whites who committed crimes in the Indian country. Congress was assuming full authority to control relations and trade with the Indians. However, in this assertion of power the Congress was cautious, and since this was an experiment, the bill was to be in force for only two years.¹

President Washington approved these directions and in 1791, in his third annual message, restated the principles that he wanted to follow. He called for "impartial dispensations of justice" towards the Indians and carefully laid out a method of purchasing their lands. He asked for the promotion of commerce with the Indians "under regulations tending to secure an equitable deportment towards them." He re-emphasized that "rational experiments" be used to impart to the Indians the "blessings of civilization" and asserted his authority as President to give presents to the tribes. In addition Washington asked for the means to punish those who infringed upon Indian rights, violated treaties and endangered the peace of the United States.²

¹Prucha, pp. 45-46.

²Richardson, Vol. I, pp. 104-105.

In March, 1792, Washington went further and stated that "in managing the affairs of the Indian tribes generally it appears proper to teach them to expect annual presents conditioned on the evidence of their attachment to the United States."¹ Nagged by prolonged Indian wars in the Northwest, Washington was trying to bribe the tribes into peace, so that he could begin his less expensive system of liberal justice.

This reaffirmation of faith in the newly begun policy encouraged Congress to enact a much stronger law than the act of 1790. On March 1, 1793, a new statute was passed which greatly expanded the provisions of the earlier bill. The President was authorized to give goods and money to the tribes "to promote civilization and secure continuance of their friendship." A long section was added which was designed to stop the criminal attacks of whites against the Indians and irregular white acquisition of Indian land.²

Despite these efforts white encroachment and illegal trading went on unrestrained throughout the period. The government was not strong or rich enough to enforce its policy on a large frontier. Washington noted in December, 1795 that violence against Indians could be "perpetrated with impunity" and complained that unless this could be stopped nothing could prevent "destructive retaliation" by the

¹Ibid., p. 122.

²Prucha, p. 47.

Indians.¹

Added to the problem was the policy of Great Britain which encouraged the Indians north of the Ohio to form a confederacy and force the Americans out of this area. By 1789 white depredations became too much and the Indians revolted against the growing pressure.² As a result, while Washington advocated and Congress passed peaceful and noble sounding measures, a fierce Indian war was fought on the frontier. In response the administration sought a military solution to the problem. It was not until 1795 when the Indians north of the Ohio were crushed by General Wayne that the government had a chance to institute the regulatory policies which had been adopted.

Washington, confident that he could win the friendship of the Indians through trade, urged a system of government trading houses and, on April 18, 1796, Congress passed "An Act Establishing Trading Houses with The Indian Tribes." This act authorized the establishment of trading houses or factories, as they were called, at places convenient for carrying on a "liberal trade" with the tribes. The two-fold purpose of the factories was to win the allegiance of the tribes through trade and to wean the tribes away from foreign influence. The system was to run for two years but was kept

¹Richardson, Vol. I, p. 185.

²Billington, pp. 222-223.

alive until 1822.¹

In May, 1796 Congress acted again and passed "The Intercourse Act of 1796." This re-established the old clauses of the Bill of 1793 and in order to prevent encroachment, it specified in detail the boundary line for the Indian territory. This was again a temporary measure, but was re-enacted in 1799 and stayed in force into the Jefferson administration.² During Washington's administration the principles were adopted which would influence American Indian policy for a century. The beliefs, actions and role of the government were mostly based on colonial, revolutionary and the pre-constitution national experiences. In spite of vigorous efforts to treat the Indians fairly, illegal trade and white encroachment continued unchecked. The frontier was just too extensive and the enforcing agencies were inadequate. Also other problems appeared more pressing and the money was seldom available to pursue an aggressive Indian policy.³ It was obvious that the federal government could not protect the Indians from the advance of white population. The greatest problem with the policy was

¹Royal B. Way, "The United States Factory System for Trading with the Indians, 1796-1822," Mississippi Valley Historical Review, VI (September, 1919), 220-235.

²Billington, pp. 49-50.

³Ibid., p. 36.

that the goals of "preserving peace" and "extending the frontier" were directly contradictory to one another. In order to extend the frontier, more land was needed from the Indians; and as this land was demanded the hate and the tension increased.

In spite of this the United States attempted to achieve both these goals for many years. When John Adams became President, he had to devote much of his attention to the breakup of the Federalist party. As a result Adams and his Secretary of War, James McHenry, added little that was new to Indian policy. Both men were content to try and follow the program which Washington and Knox worked so hard to build. Luckily the frontier remained reasonably calm and Adams was free to devote much needed time to foreign affairs. It was Thomas Jefferson who finally developed an alternative policy.

Chapter 3

THE ORIGINS OF REMOVAL

Throughout his life Thomas Jefferson maintained a keen interest in the Indian tribes of North America. He diligently collected information on their languages, customs, historical origins and traditions.¹ When he became President, Jefferson continued the search for methods to preserve the tribes and to allow for continued expansion of the United States. He felt strongly that Indians could be taught the arts of civilization and ultimately assimilated into white society. He felt that Indians who relapsed into barbarism would be driven "with the beasts of the forest into the stony mountains."² With this in mind; he adopted two goals for his policy. The first was to civilize the Indians; but the main object of this policy was to relieve the land between the Mississippi and the Appalachians of its Indian population. Remembering the Indian wars and British intrigue of the 1790's, Jefferson claimed this was necessary for

¹Francis W. Hirst, Life and Letters of Thomas Jefferson (New York: MacMillan Co., 1926), p. 16.

²Saul K. Padover, A Jeffersonian Profile (New York: The John Day Company, 1956), p. 206.

purposes of defense.¹

When Jefferson took the office of President the Indians were generally peaceful. This was reflected in Jefferson's first annual message to Congress. He told Congress that "Among our Indian neighbors . . . a spirit of peace and friendship prevails." For this good fortune he credited continued efforts to introduce agricultural and household goods among the Indians and promised to continue the policy.² With increasing vigor Jefferson intensified efforts to civilize and assimilate the Indian tribes. He was positive that the "Indian can no longer live a semi-nomadic life of hunting and fishing." In his opinion the Indians had to turn to farming. He called for red and white settlements to mix and become one people.³ In 1802 Jefferson made a plea for a patient and just policy and urged that the tribes be given domestic implements and fine instructors to enlighten the Indians on their proper use.⁴ In the same year Jefferson tried to establish specific boundaries between white

¹Arthur H. DeRosier, Jr., The Removal of the Choctaw Indians (Knoxville: University of Tennessee Press, 1970), p. 26.

²James D. Richardson (ed.), Messages and Papers of the Presidents, 1789-1897, Vol. I (Washington: Government Printing Office, 1896), p. 326.

³DeRosier, p. 24.

⁴Richardson, p. 352.

settlements and the Indian country. Congress was given the role of deciding how long the Indians could have a monopoly of their vast land claims before actual habitation became necessary for ownership.¹ If Congress authorized treaty negotiations and the Senate ratified treaties of land cession, Jefferson would sign them. This would achieve his important goal of obtaining Indian land and also absolve him from the responsibility of depriving the Indians of their land while trying to civilize them. In 1803 Jefferson attempted to explain how these two goals worked together. He said that the "promotion of agriculture and household manufacture are essential" to Indian preservation, and therefore he encouraged it liberally. He rationalized that these arts encouraged the tribes to live on smaller portions of land which made their forests useless. Jefferson felt that the Indians would need less land, while the increasing numbers of whites needed more and their interests would, thus, coincide. He restated the belief that Indian and white settlements should blend together and called this assimilation a natural process.²

By this time, Jefferson had carefully laid out the process by which the Indians would be civilized. First, he would teach them to raise cattle and in this way they would acquire a knowledge of the value of property. The next step

¹Ibid., p. 343.

²Hirst, p. 402.

was to teach them arithmetic so that they could calculate this value. After this the redman would be taught to write and keep accounts, and during this stage the Indians would begin to increase their farms and the men would labor while the women began to spin and weave. Finally, instructors would teach the tribesmen how to read and institute a "regular" government.¹ This process sounded reasonable, but it asked too much too quickly. The Indians could not become civilized fast enough to keep pace with white demands for their land and throughout the Jefferson administration the demand for land cessions intensified. From the very outset of Jefferson's presidency almost every treaty with the various tribes forced the Indians to give up their land in one way or another. In 1801 the Choctaw ceded a large portion of land along the Mississippi to the United States.² In 1802 the Creeks relinquished a sizeable tract in the State of Georgia. Both the Choctaw and the Chickasaw allowed wagon roads, which connected Tennessee with the deep south, to be built across their lands. In the north the New York tribes and the Ohio Indians had ceded much of their land by 1803. Systematically the Americans were driving the Indians off

¹Bernard Mayo (ed.), Jefferson Himself: The Personal Narrative of a Many-Sided American (Charlottesville: The University Press of Virginia, 1970), p. 293.

²Charles J. Kappler (ed.), Indian Treaties, 1778-1883 (New York: Interland Publishing Co., 1972), p. 57.

their lands. In return the tribes received payment in either money or goods.

In order to achieve his goals of preserving peace, civilizing the tribes and opening up the region between the Appalachians and the Mississippi for white settlement, Jefferson placed heavy reliance upon the use and expansion of trade. By using the factories Jefferson felt the Indians could be rendered more dependent on the United States. He hoped to introduce the implements of civilization to the redmen through this trade and make them dependent upon the new tools. In this way, the Indians would come to rely upon the United States to supply these goods. Jefferson was convinced that "commerce is the great engine by which we are to coerce them and not war."¹ He admitted that "the most economical and humane conduct towards them is to bribe them into peace and retain them in peace by eternal bribes." But this expansion of commerce worked in another way also. Jefferson saw that when the Indians ran up debts at the trading houses they were often willing to lop them off with land cessions.² He decided to enlarge the government factory system and encourage the Indians to buy more and more goods on credit. Once the Indian debts became so burdensome that they

¹Padover, p. 173.

²Francis Paul Prucha, American Indian Policy in the Formative Years, The Indian Trade and Intercourse Acts, 1790-1834 (Cambridge: Harvard University Press, 1962), p. 88.

couldn't pay, the agents would inform the tribes that the United States would liquidate the debts by accepting land cessions.¹ This put the trading houses in the land cession business and made Indian agents responsible for making the tribes give up their land. Jefferson hinted at this in 1803 when he said that each agent "shall be estimated by us in proportion to the benefits he can obtain for us."² This was in line with another purpose of Jefferson's policy, which was to free the land from Indian title and make it available to white farmers. Any doubt about this was cleared up in a message to Congress which Jefferson delivered in 1803. He indicated that the tribes were becoming uneasy about losing their land and were beginning to refuse to sell. He advocated two methods for counteracting this. Initially, he wanted to encourage the Indians to abandon hunting and take up agriculture. This, he felt, would make their vast forests, which were necessary for hunting, useless. In addition, Jefferson wanted "to multiply trading houses among them, and place within their reach those things which will contribute more to their domestic comfort than the possession of extensive but uncultivated wilds." This would teach the tribes to exchange what they could spare (land) for what they desired and the United States had to spare.³ Using these methods

¹DeRosier, p. 27.

²Ibid., p. 26.

³Richardson, I, p. 340.

Jefferson was sure he could obtain land cessions without endangering the peace. In spite of the fact that the Indian lost his way of life, Jefferson did not think his policy was necessarily cruel and felt that the tribes could be civilized and assimilated.

By the end of his administration the policy was in full swing. In 1802 Jefferson pushed a new "Trade and Inter-course Act" through Congress. It was a restatement of the laws of 1796 and 1799. However this time the law was made permanent and not temporary.¹ The President, thus, had the control of Indian trade which he needed, and he had a system of government factories, which Washington had set up. In order to better organize these an act was passed on April 21, 1806. This law established an office of the superintendent of Indian Trade, who was charged with purchasing goods, transporting them, and directing the work of factors.² This helped end some confusion within the system and allowed Jefferson to direct a uniform policy through one man. These two laws gave the President the foundation on which to build his policies. By 1808 there was evidence that Jefferson's policies were working. Feeling that the United States should purchase the whole east bank of the Mississippi the President decided to buy lands which the Choctaw held. He told Congress that this would be easy since the Choctaws, "being indebted

¹Prucha, p. 50.

²Ibid., p. 57.

to certain merchantile characters beyond what could be discharged by the ordinary proceeds of their huntings, and being pressed for payment by these creditors, proposed at length to the United States to cede lands to the amount of their debts" Eventually the Choctaw ceded about 5,000,000 acres.¹ This was the way in which the system worked.

But by now another important aspect had become visible in Jeffersonian Indian policy. With the Louisiana Purchase Jefferson began to see a new method of dealing with the Indians. In 1803 he wrote to Andrew Jackson that the Louisiana Purchase would open an "asylum" for the Indians and "to our prosperity it opens a noble prospect of provision for ages."² Thus Jefferson developed the idea of exchanging lands west of the Mississippi for Indian lands east of the river. This idea of removing the Indians west of the Mississippi was to become the most significant and far reaching innovation in American-Indian relations.³ It was an admission that the Indians could not be assimilated fast enough to keep up with white land demands, and it was

¹Messages, Vol. I, p. 422.

²Adrienne Kock, Jefferson and Madison (New York: Alfred A. Knoph, 1950), p. 244.

³DeRosier, p. 27.

a way to take their land without exterminating them. This was important, for it had become obvious that despite Jefferson's attempts to keep the red and white races apart the government could not protect the Indians.¹ Frontiersmen often saw Indians as murdering savages.² These whites would organize and invade Indian territories, killing the inhabitants and settling on the land.³ As early as 1802 Governor C. C. Claibourne of Mississippi was complaining that he was powerless to punish whites who settled on Indian land that was not surveyed.⁴ All this meant that aggressive white settlers and traders were intruding on the Indian without restraint. In spite of official policy, it looked as though the Indians would be destroyed, like the New England tribes, rather than assimilated. With the Louisiana Purchase Jefferson could obtain Indian land and also provide the Indians with an alternative to extermination.

He began to develop this idea immediately. Jefferson's proposed amendment to authorize the Louisiana Purchase advocated removal of the Indians to the region beyond the

¹Wilcomb E. Washburn, Red Man's Land/White Man's Law: A Study of the Past and Present Status of the American Indian (New York: Charles Scribner's Sons, 1971), pp. 60-61.

²DeRosier, p. 3.

³Prucha, p. 150.

⁴DeRosier, p. 30.

Mississippi river. Although the amendment was not accepted, an act was passed in 1804, which authorized the President to negotiate with the Indians for removal.¹ This was the beginning of the policy of removing the eastern tribes west of the Mississippi river. The problem that remained was the fact that the Indians were strong in many areas and did not want to remove. Peace was a high priority of Jefferson's and thus he pushed removal only mildly and continued to use his factory system to obtain land cessions. Removal, however, was not forgotten. It was the policy of the future, and when Indian power was broken by defeats in the War of 1812 the federal government pursued this idea aggressively to its conclusion. Jefferson had only one very small success with removal. This was with the Cherokee. In 1809 this tribe sent an exploring party west of the Mississippi. The reports of the party were favorable and soon approximately 1,130 Cherokee were living in northwestern Arkansas.² This removal had been voluntary (no treaty was ever signed) and was the decision of individual Indians. However, it was a start, and it was an example for future Presidents.

In summary, Thomas Jefferson embarked upon a policy

¹Angie Debo, The Rise and Fall of the Choctaw Republic (Norman: University of Oklahoma Press, 1934), p. 36.

²Angie Debo, A History of the Indians of the United States (Norman: University of Oklahoma Press, 1970), p. 89.

designed to free more Indian land for white use. At the same time, he attempted to preserve the Indians through civilization and assimilation. When the tribes began to resist both of these efforts, Jefferson turned to bribery to gain Indian land. Liquidating tribal debts with land cessions kept a steady supply of new land coming to the United States, but it spelled doom for the nomadic Redman. The Louisiana Purchase gave Jefferson a new method to avoid Indian annihilation and warfare. He would simply remove the Indians from the flow of white settlers. The strength of the tribes and the threat of war prevented Jefferson from actively carrying out this policy, but he did originate it and began to establish the procedure needed to effect it.

James Madison faced much the same problem when he became President. The strength of the tribes and Madison's initial dislike for removal deterred efforts to implement the policy. However, during Madison's administration the military power of the tribes east of the Mississippi would be broken, and this would completely change the situation and Madison's thinking. After retiring from public life, Madison wrote that "next to the case of the black race within our bosom, that of the redman on our borders is the problem most baffling to the policy of our country."¹ By 1830 the

¹Harold S. Schultz, James Madison (New York: Twayne Publishers, Inc., 1970), p. 197.

ex-president had come to see removal as the only hope for the Indian. He concluded that "It is evident that they can never be happy within the bounds of a state, either in a separate or subject character, that a removal to another home, if a good one can be found, may well be the wish of their best friends."¹

This view was different from any Madison held as President. During his administration he had to worry constantly about the Indians allying with the British in Canada and being influenced by foreign agents in the south. In order to win the friendship and trust of the tribes Madison wished to halt white encroachment upon Indian lands. This meant an end to the land cessions approved by Jefferson. Yet Madison believed, as did Jefferson, that it was necessary to civilize the tribes by introducing goods among them and thereby teaching the Indians concepts of private property. Throughout his administration this was Madison's goal.

In March, 1809, Madison proposed by "authorized means" to lift the American aborigines from "degradation and wretchedness" to a civilized state.² He continued to attempt this policy throughout the stormy period of his presidency. During the War of 1812 Madison advised some chiefs, who were

¹Ibid.

²Irving Brant, James Madison, The President, 1809-1812 (New York: Bobbs-Merrill Co., 1970), p. 405.

visiting Washington, to breed cattle, sheep, plow the earth, and, most importantly, live in peace with each other.¹ This was despite the fact that many of the tribes had allied with the British in the fighting. Other Presidents would probably have lost patience, but Madison remained firm in his policy of trying to win the friendship of the tribes. As late as 1815 Indian agents were being instructed that the principle object of the United States government was to introduce useful arts among their Indian allies. The government wanted to teach the Indians industry by instructing the men in agriculture and stockraising and teaching the women the arts of spinning and weaving. It was planned that the United States would provide the apparatus necessary for the manufacture of linen and cotton clothing. The government would also supply agricultural implements, sheep and cattle. It was hoped that the Indian would begin to sell their surplus goods and realize the value of trade.² This policy ran throughout Madison's two terms. It was patterned after Jefferson's attempts at civilizing the Indians. However, Madison did not condone the use of the credit system to gain Indian land.

Instructions to Indian agents in 1815 emphasized the

¹Ibid., p. 513.

²Clarence Edwin Carter (ed.), The Territorial Papers of the United States (Washington: U.S. Government Printing Office, 1950), XVII, p. 199.

importance of encouraging fair and honest trade between white and red men by preserving peace, prohibiting the introduction of "spirits" among the tribes, and protecting the Indians from fraud and conspiracy.¹ This attitude reflected the government's concern with regulating the activities of the private traders who were increasingly hostile to the operations of the factory system. The only way the government could compete with the private traders was to offer cheap trading goods.

The administration's trading policy was also designed to pull the tribes away from the influence of British traders. The British retained great power among the Indians in the Northwest and with relations deteriorating between the United States and England, British traders were working in earnest to keep the firm allegiance of the Indians in that quarter. By 1811 it was generally feared along the frontier that, in case of war, the British would win over the Indians again with generous presents and the promise of military support to stop the advance of the American pioneers. It was suggested that more government factories might counteract this British influence.²

Madison's policy was constantly under attack from westerners. Governor William Henry Harrison of Indiana Territory spoke for many in his area when he asked the

¹Ibid., p. 200.

²Ibid., p. 178.

government, "Is one of the fairest portions of the globe to remain in a state of nature, the haunt of a few wretched savages, when it seems destined by the Creator to give support to a large population, and to be the seat of civilization, of science, and of religion?"¹ Most westerners were opposed to Madison's cautious policy concerning Indian lands and wanted cessions and removal to open the territories for settlement. Harrison, in fact, negotiated land cessions in the Indiana Territory and sent them to Congress for ratification. The President remained cool to this action because he desired to maintain peace with the Indians. Madison wanted to avoid war with the British and realized that any Indian outbreak would heighten a call for war against the British from Americans who blamed British influence for Indian hostilities.²

When Harrison finally pushed the Indians into violent action the President had to give in. After the Tippecanoe encounter in 1811 Madison shifted and began to use the event to justify war preparations.³ Even before 1811 Madison had yielded to western pressure by signing the "land-grabbing" treaties negotiated by Harrison.⁴

In his War Message to Congress Madison related Indian

¹Brant, p. 190.

²Ibid., p. 338.

³Ibid.

⁴Carter, XVI, p. 178.

hostilities to British intrigues. This was a topic which he had earlier avoided in negotiations with England.¹ Madison appeared correct in his evaluation, however. The Indians in the Northwest did, for the most part, fight with the British and the influence of British traders was an important factor in the decision. It must be remembered, however, that Governor Harrison had been constantly pressuring the tribes to give up their land and they were beginning to resist. The promise of British support in a war against the Americans was all the Indians needed to go on the warpath.

During the conflict, Madison continually stressed that it was the fault of the British that the Indians were at war, even though this was only one of the factors. He was also careful to separate hostiles from peaceful Indians and kept urging the arts of civilization upon the friendly tribes. In his fourth annual message in 1812 Madison accused the British of making use of merciless savages. He claimed that the United States had long promoted a "benevolent" policy of pursuing peace and civilization among that "wretched portion of the human race." All the United States desired for the Indians was to remain neutral and in Madison's eyes the English were working against this. He quickly added, though, that "The Indian tribes not under foreign instigations remain at peace, and receive the civilizing attentions which have

¹Frucha, pp. 76-77.

proved so beneficial to them."¹ He was clearly separating the tribes and laying the blame for Indian unrest at the British doorstep. Madison never admitted that the Indians might have had some legitimate complaints against the increasing encroachment of the Americans. In December, 1813 he restated his feelings when he told Congress that the enemy was still enlisting "savages". Madison was referring to a faction of the Creeks, the "Red Sticks" who had recently gone to war against the United States and he lamented that this tribe had been moving towards civilization, and had become the unfortunate victims of British seduction.² The Red Sticks reward for joining the British was complete and disastrous defeat at the hands of Andrew Jackson. Their military power was broken forever. In the north the Indians suffered much the same fate. Harrison was able to completely break Indian power in the Old Northwest. As the war ended the position of the Indian had been weakened critically. Militarily the tribes east of the Mississippi could never seriously threaten the United States again. This opened the way for the revitalization of the cession and removal policies which Jefferson had practiced.

The only advantage the Indian had was that the Americans

¹Joint Committee on Printing of the House and Senate, Messages and Papers of the Presidents, Vol. II (New York: Bureau of National Literature, Inc., 1897), p. 500.

²Ibid., p. 520.

still feared the British influence which came from the Canadian traders. Governor Ninian Edwards of Illinois wrote to Secretary of War Crawford in 1816 that to counteract this British influence the Indians should be given goods liberally. He felt that tribes should be treated judiciously and kept in a good humor for two or three more years. After this the growth of the white population would prevent any future dangers.¹ It was becoming obvious that once the frontier whites felt strong enough, they would not hesitate to encroach upon Indian lands.

To assist in the strengthening of frontier defenses, Congress passed a bill on April 29, 1816 which forbid the sale of trading licenses to non-citizens. This restrictive legislation and the growth of the American Fur Company generally forced out the British traders and their influence east of the Mississippi.² It also boded ill-tidings for the Indians, for even before this, white intruders had been spilling onto their lands.

The force of these intruders was too great to be held back. They knew that the government did not have the troops to continue effective patrol of the Indian territory and moved onto these lands. If they were discovered and removed they could easily return. In 1815 so many intruders moved

¹Carter, Vol. XVII, pp. 398-401.

²Schultz, pp. 77-81.

onto Cherokee land in Mississippi that federal authorities wanted to give up and let them remain. These intruders were not even worried about civil court actions succeeding against them.¹

It was much the same in the north and in November of 1815 Ninian Edwards complained bitterly about the situation. He was satisfied that the powers and duties of Indian superintendents and agents were too limited for any real use, and felt he had no power to enforce the Indian trade acts because he had no military or civil help. In addition, the people who settled on Indian lands were so remote, they could not be removed. He said it was difficult or impossible to get legal proof to convict intruders, and ended by claiming that the licensing system was so defective anyone could trade.² The system had obviously broken down. With the military power of the Indians gone, the settlers were not afraid to band together and intrude on tribal lands. The government was helpless and Madison's only hope was to get cessions from the Indians fast enough to keep up with white pressure.

The situation was so hopeless by 1816 that Secretary of War Crawford, who strongly supported the factory system, bitterly asked the Senate to choose between civilizing the

¹Prucha, pp. 162-163.

²Thomas C. Cochran (ed.), The New American State Papers, Indian Affairs (Wilmington: Scholarly Resources, Inc., 1972), Vol. 3, pp. 240-241.

Indians or driving them off their land. On March 14, he said that the Indians had advanced as a result of the factories, but only slightly, and went on to say that if civilization was wanted for the Indians, and not the alienation of their land, then this system should continue. Crawford felt that if the system was skillfully applied for a number of years it would not fail to make the Indians recognize the idea of separate property. He said this was a prerequisite to any advancement the Indians made in the arts of civilization. Crawford then told the Senate that the time had arrived when trade must be expanded, or abandoned to private enterprise. He sarcastically contended that, if the government wanted to extinguish Indian land title as rapidly as possible, trade should be abandoned entirely to private enterprise, without regulation. He said that the result of this would be the extermination of the Indians or their expulsion to a distant land.¹ During Madison's administration, Congress did not act on Crawford's desires to strengthen the factory system. It was becoming obvious, however, that the old policy of civilizing the Indians through using the factories was failing. This was because the government could not protect the Indians from white intrusion or illegal traders. The government was in a weakened position and there was, at this point, no organized, effective policy.

¹Ibid., pp. 188-190.

Madison was simply trying to get as many land cessions as it took to keep up with white settlement. In his eighth and final Annual Message to Congress on December 3, 1816 all Madison had to report concerning Indians was that several tribes appeared disposed to remain at peace, and that from several of them land purchases had been made.¹

As Madison left office it was apparent that the Indians were in a new and critical position. The government had never been able to protect the tribes effectively, and by the end of the War of 1812, the Redmen could no longer protect themselves. The War had also removed the British threat and opened up broad expanses of the frontier for settlement. Whites began to pour onto the frontier and pressure the Indians for their land. Madison could not cope with this, but the new president, James Monroe, would try to find the answer in removal.

¹Richardson, II, p. 560.

Chapter 4

THE QUEST FOR MODERATE REMOVAL

During the administrations of James Monroe the United States experienced a dramatic westward movement, a "Great Migration" to frontier areas of the Northwest and the Southwest. The War of 1812 had removed British influence along the frontier and had also diminished the threat which Indian tribes posed to settlers. As a result, between 1817 and 1825 the population surged westward and created a distinct western political interest. This was best evidenced by the number of states that entered the Union during this period. Indiana became a state in 1816; Mississippi followed in 1817, Illinois in 1818, Alabama in 1819, Missouri in 1821, and Arkansas Territory was organized in 1819. The new political entities, representative of aggressive frontiersmen, applied increasing pressure upon federal authorities to obtain land cessions from the Indian tribes at any cost.

Others events during this period set the stage for increasing Indian-white tension east of the Mississippi. The Adams-Onis Treaty of 1819 set a definite western boundary between the United States and Spain and secured Florida for the Americans. Increased knowledge of the Trans-Mississippi area revived interest in Jefferson's earlier plan for removing

Indians west of the Mississippi where they would have a permanent home. The necessity for providing better defense for settlements east of Mississippi served as a justification for Andrew Jackson and others to insist upon immediate removal of the Indians.

The political situation of the nation also weighed heavily upon Indian affairs. Monroe, during the so-called "Era of Good Feelings," tried to administer the government within the framework of a one-party system. At a time when sectional and factional stresses were increasing, Monroe found it difficult to achieve the harmony he so desperately sought. While westerners demanded Indian removal in order to promote "development," a vocal humanitarian interest, centered in the east, urged a more intensive effort to civilize the Indians and eventually incorporate them into American society.

Another important factor bearing on the Indian policy decisions of the Monroe administration was the states' rights problem. The Missouri struggle during this period brought the question of slavery to the political forefront and the south began its aggressive defense of state sovereignty. With regard to Indian affairs, southern states in particular (Georgia, Mississippi and Alabama) became increasingly insistent upon their control over Indians within their boundaries. The thorniest problem for Monroe was the Georgia situation. In 1802, as part of the settlement of the Yazoo controversy, the Federal Government had signed a unique contract with

Georgia to the effect that the United States would extinguish Indian title to all land in Georgia as soon as it could be done peacefully and on "reasonable terms."¹ During the Monroe administrations Georgia availed itself of every opportunity to force federal officials to fulfill this contract.

The condition of the Indian tribes east of the Mississippi also added to a crisis situation facing the federal officials charged with managing Indian affairs. Philanthropists were facing disturbing evidence that despite government and private efforts the Indians east of the Mississippi were not making an easy transition to civilization. The Indians were not changing their way of life, were not becoming white men; instead the natives seemed to be disintegrating before the very eyes of those who wished to save them. This apparent failure of the civilization program, long a cherished project of government officials and the religious-benevolent community, caused many to reassess federal policy toward the Indians.²

These developments set the stage for a re-evaluation of federal Indian policy by the Monroe administration. Monroe,

¹Annie Heloise Abel, "The History of Events Resulting in Indian Consolidation West of the Mississippi River," American Historical Association, Annual Report for the Year 1806 (Washington, D.C., 1908), I, 323.

²Bernard W. Sheehan, Seeds of Extinction: Jeffersonian Philanthropy and the American Indian (Chapel Hill: The University of North Carolina Press, 1973), p. 250.

advised in the main by his Secretary of War, John C. Calhoun, was the first President actively to implement an Indian removal policy. In his Inaugural Address Monroe showed no indication of his determination to make removal the foundation of his Indian policy. He simply stated that it was the duty of the government to act with "kindness and liberality" towards the natives and to continue efforts to extend the benefits of civilization to the redmen.¹ In his First Annual Message Monroe gave a hint of his new program when he stated:

The hunter state can exist only in the vast uncultivated desert. It yields to the more dense and compact form and greater force of civilized population; and of right it ought to yield, for the earth was given to mankind to support the greatest number of which it is capable, and no tribe or people have a right to withhold from the wants of others more than² is necessary for their own support and comfort.

Monroe elaborated on this theme in his Second Annual Message, delivered November 16, 1818. Stating that "independent savage communities can not long exist within the limits of a civilized population," Monroe argued that to civilize the Indians and to prevent their extinction it was "indispensable" that their independence cease and that the United States exercise "complete and undisputed" control over them.³

Most authorities agree that Monroe's thinking on the

¹Richardson, II, p. 9.

²Ibid., p. 16.

³Ibid., p. 46.

"Indian problem" was molded at this time and throughout his two administrations by his diligent Secretary of War, John C. Calhoun. Indeed, it was probably Calhoun who deserves to be called the architect of the new federal Indian policy that took definite form by the mid 1820's. Although Calhoun was advised by his friends to turn down the offer to become Secretary of War under Monroe, he accepted and achieved notable success in that position. He reorganized the functions of the War Department, from the structure of the army to the handling of Indian affairs.

It is probable that Monroe's statements on Indian affairs in his second Annual Message reflected the advice of Calhoun. The Secretary's studied recommendations on Indian policy were first made public in an exhaustive report to Congress in December, 1818. In that report Calhoun urged that federal policy toward the Indians "undergo an important change." Rejecting the idea that the tribes were independent nations, Calhoun boldly stated that "Our views of their interest, and not their own, ought to govern them." By a combination of force and persuasion, the tribes "ought to be brought within the pales of law and civilization." Calhoun predicted that if the tribes were left on their own they would be overwhelmed by "the mighty torrent of our population."¹

¹U.S., Congress, House, Report of the Secretary of War, December 8, 1818, House Doc. 25, 15th Cong., 2nd Sess.

The proper course for the government, in Calhoun's judgment, was to start with the most advanced tribes, those surrounded by white population, and "contract their settlements within reasonable bounds" but with the understanding that these reduced Indian settlements "are intended for their permanent homes." Indians within such settlements would then be given individual plots of land and the "idea of individual property in the soil carefully inculcated." In addition, and importantly, the government's program of education would be accelerated; schools would be established to teach Indian children the three R's and the "common arts of life." This new program was absolutely necessary, Calhoun concluded, because the Indians were decreasing and degenerating under the present policy. Those Indians who might choose not to submit to the new program could "be permitted and aided in forming new settlements at a distance from ours."¹

The meaning of Calhoun's recommendations was clear. Either the Indians would assimilate or they would have to be removed. The government, pressured by an uncontrollable westward movement, could not wait for "time and experience" to effect the civilization of the Indians. Indians who rejected incorporation could pursue "the chase" in the wilderness west of the Mississippi. There the unredeemed Indians would be shielded from impending ruin.

¹Ibid.

Even though state authorities in the west and south, and most settlers on the frontier ridiculed government efforts to educate and civilize the Indians, the Monroe administration retained its commitment to this aspect of federal policy. In fact, increased government resources were devoted to the civilization program during the Monroe years. In the judgment of Monroe and Calhoun removal and education should go hand-in-hand. In 1819 Congress passed a bill appropriating \$10,000 annually for the civilization of the Indians. It was Monroe's decision that this money should be spent "in aid of the efforts of societies, or individuals, who might feel disposed to bestow their time and resources to effect the object...."¹ By 1821 the government was supporting twenty-five Indian schools under the management of various religious groups, such as the American Board of Commissioners for Foreign Missions.²

During Monroe's first term, Calhoun sought to negotiate treaties with the Creeks and Cherokees for the purpose of obtaining cession of their lands within the State of Georgia. In line with his announced plan of 1818, Calhoun, in an effort to persuade the Indians to emigrate west of the Mississippi, granted individual allotments of land to those

¹U.S., Congress, House, Report of the Secretary of War, January 17, 1820, House Doc. 46, 16th Cong., 1st Sess.

²U.S., Congress, House, Report of the Secretary of War, January 22, 1822, House Doc. 34, 17th Cong., 1st Sess.

Indians who wished to remain in their traditional home. The 1819 treaty with the Cherokee obtained a significant land cession within Georgia, but the Georgians were not at all satisfied. They demanded a complete extinguishment of Indian title within the State. Georgians also objected violently to the government granting allotments to individual Indians.

In deference to states' rights, Calhoun and Monroe began to play down their program to assimilate Indians within the boundaries of the states. At the same time they placed more emphasis on the removal of the tribes west of the Mississippi. Yet neither Monroe nor Calhoun advocated the use of force. In a report to Congress in 1824, Monroe explained that efforts to persuade the Cherokees to relinquish their Georgia lands had failed. He stated that in view of Cherokee refusal to exchange Georgia land for territory beyond the Mississippi "they can be removed only by force" and "an attempt to remove them by force would, in my opinion, be unjust."¹

Monroe's strategy was to use persuasion and manipulation. He and Calhoun hoped that the Indians could be educated to remove. Sooner or later the Indians would come to realize that their future "security and happiness" would be promoted by complete separation from the disturbing effects of a

¹Richardson, II, p. 235.

surrounding white population.

This belief eventually caused trouble for Calhoun and Monroe. One of the goals of their policy was to free more Indian land east of the Mississippi for white settlement and they felt that educated Indians would realize the need to remove, or at least, to give up sizeable portions of their land. The results were exactly opposite. Educated Indians realized the value of the land and often gained economic control over tribal property. These men then became the tribal leaders who opposed removal. They not only wished to remain on their ancestral lands but developed a vested economic stake as well. Compounding the problem was the fact that Calhoun wished to first remove a tribe that had a high economic, political and social development.¹ He felt this would be a good example to other Indian tribes. But, since he refused to use force to achieve removal, his policy was doomed to bog down in a mire of prolonged negotiations and ignored treaties.

Adding to Calhoun's frustration was the failure of Congress to act on most of his proposals of reform in the area of Indian affairs. Immediately after taking office Calhoun recognized the inefficiency of the Indian office within the War Department. To compliment his removal and education efforts, he proposed a streamlining of the

¹DeRosier, p. 46.

Department. At this time Indian affairs were directed rather haphazardly by territorial governors, Indian agents and sub-agents, and the Office of Indian Trade. Calhoun, as Secretary of War, was charged to supervise this decentralized network of government organization. In 1822, for example, there were three Superintendents of Indian Affairs in the field. Lewis Cass, as Governor of Michigan Territory, was Superintendent in that area. Governor James Miller had a similar responsibility in the Arkansas Territory. William Clark, with headquarters at St. Louis, was the other Superintendent with responsibility for managing the tribes west of the Mississippi. Each of these men had authority over Indian agents and sub-agents within their jurisdictions. In 1822 there were a total of 17 Indian agents and 25 sub-agents.¹ These men had the job of managing relations between whites and Indians, and between the tribes themselves. They were to report any violations of the Intercourse Acts by unlicensed traders and settlers. But they had no enforcement power and if violators were found, they had to turn to the army for help in subduing them. Only the military arm of the government had the power to enforce the regulatory laws. In the end, it was this force which was supposed to quiet unrest between the tribes or remove intruders from Indian land. In addition,

¹U.S., Congress, House, Report of the Secretary of War, April 12, 1822, House Doc. 110, 17th Cong., 1st Sess.

there were the government-operated trading factories under the supervision of Thomas McKinney, chief of the Office of Indian Trade. These factories were independent of the other two agencies and Calhoun saw them as a method of bringing civilization to the tribes.¹

Calhoun wanted to center all Indian relations in a "superintendent of Indian affairs," who would be responsible to the Secretary of War. Besides controlling all agents, this superintendent would be in charge of Indian trade. He would license traders and a license was to cost from \$100 to \$500. Also all alcohol would be forbidden from Indian territory and the trading factories would have to keep books showing the prices of goods which were bought, sold and kept.²

Calhoun also proposed to establish individual Indians on land of their own, and in this fashion encourage the idea of private ownership of the soil. Finally, he sought to use Indian annuity payments to educate red children, and when these individuals were ready they would be granted citizenship.³

However, this revamping of the Indian Office did not

¹Charles M. Wiltse, John C. Calhoun, Nationalist, 1778-1828, Vol. I (New York: Bobbs-Merrill Company, Inc., 1944), pp. 149-150.

²Ibid., p. 169.

³Ibid., p. 170.

take place. On April 3, 1822, the house "negatived" a resolution which would have directed the Standing Committee of Indian Affairs to inquire into the expediency of establishing a new "Department of Indian Affairs."¹ Earlier in February, 1821 the Senate had indefinitely postponed considering a bill, which would have provided for better regulation of trade with the Indian tribes.² Congress, then, was content to sit on the issue at this time and Calhoun was left with only the trading factories through which to work.

Unfortunately these were already in danger of failing. The factory system was under attack from all sides. The factories, themselves were designed to serve the Indians. The government hoped that by introducing goods among them, they could promote peace and civilization. In dealing fairly with the tribes it was hoped that the Indians would respect the federal government. Thomas L. McKenney was in charge of these factories and he was a great defender of them. McKenney stressed that the factories should introduce agricultural goods among the Indians. He felt that to make citizens out of them, they must first be anchored to the soil.³ He also

¹Annals of the Congress of the United States, 17th Congress, 1st Session (Washington: Gales and Seaton, 1855), p. 1464.

²Annals of Congress, 16th Congress, 2nd Session, February 24, 1849 (Washington: Gales and Seaton, 1855).

³Clarence Edwin Carter (ed.), The Territorial Papers of the United States, Vol. XIX (Washington: U.S. Government Printing Office, 1953), p. 242.

rejected the idea of keeping the Indians constantly in debt and tried to impress upon them the importance of prompt payment.¹ A true friend of the Indian, he sought to protect and civilize them through means of fair trade. This brought him into direct conflict with several groups. Frontiersmen in the south and west were distrustful of the factories feeling that they helped the Indians remain on much wanted land. Also, the powerful political voice of the American Fur Company was making itself heard in Congress in opposition to the factory system. The company did not like the fashion in which the factories attempted to monopolize Indian trade. By offering the Indians a fair price, the factories made it much harder for these private traders to bargain.²

Congress itself was becoming wary of the factories for the simple reason that they were losing money.³ In January, 1822, Congress began to examine the expenditures of the factory system. The result of this was the passage of a bill to abolish that system. This was passed in May, 1822 without too much difficulty in either house of Congress.⁴ Thus

¹Ibid., p. 105.

²Wiltse, p. 250.

³Annals of Congress, 17th Congress, 2nd Session, pp. 1103-1104. A report of a select Congressional Committee assigned to study the problem concluded that the government had invested \$290,000 in Indian trade since 1806. It was further decided that the government was losing much of this capital. For example, the Committee cited a Choctaw factory that was owed \$12,000. It was felt that only one-third of these debts would ever be collected, while at Fort Chicago it was decided that the loss to the government in goods, alone was over \$6,900.

⁴Wiltse, p. 251.

ended the program by which Calhoun had hoped to civilize and preserve the Indians. Gone was his opportunity to make the Indians economically dependent on the government and also his opportunity to introduce the arts of agriculture to the tribes. This would have to be done mainly by missionaries and private organizations.

This defeat was not really as serious as it looked; while the factory system provided some help, on the whole it was failing. This was mainly due to the inability of the government to enforce the licensing and restrictions on traders within Indian country. The superintendents and agents were charged with enforcing the Intercourse Acts. But they were given no coercive power and had to apply to the army for help. This was a lengthy process at best. The forts and troops which had to be squeezed from a "civilian-minded, economy-conscious Congress" were inadequate.¹ Adding to the problems was the fact that Congress reduced the size of the army from 10,000 to 6,000 in 1821. In addition many officers were sensitive about taking orders from the civilian agents and often were tardy in answering requests for assistance.²

¹Francis Paul Prucha, American Indian Policy in the Formative Years: The Indian Trade and the Intercourse Acts, 1790-1834 (Cambridge: Harvard University Press, 1962), p. 62.

²Ibid., p. 64.

This resulted in unrestrained violations of the Intercourse Act. As early in Monroe's administration as May, 1817, Daniel Hughes, an agent at Fort Hawkins, Georgia, reported that government silence on reports of violations of the laws regulating commerce had encouraged additional adventurers to embark on Indian trade. Hughes reported that fort sutlers, with the post commander's permission, were also engaging in illegal trade.¹

Earlier that year William Bowen, the assistant factor at Fort Hawkins, had written to Hughes complaining of smugglers in the Creek nation. Operating with impunity, these men were selling the Creeks cheap goods and defrauding them. This was creating mistrust and suspicion.²

In December of 1817 Hughes reported that one man had become bold enough to open an extensive store in the heart of the Creek country, and that this man would soon have all of an \$85,000 annuity which the Creeks had just received.³

Enforcement of the Intercourse Acts was non-existent and the situation was so bad that by the middle of 1818 David B. Mitchell, an Indian agent at Fort Mitchell, Alabama, had given up any hope of civilizing the Indians unless private traders were restrained from selling liquor to them.⁴

¹Carter, XVIII, pp. 279-280.

²Ibid., p. 49.

³Ibid., p. 282.

⁴Ibid., p. 352.

After all this, McKenney was forced to write Calhoun in July, 1818 and admit that the factories weren't working. He told the Secretary of War that illegal traders were so numerous they bought Indian goods before the Indians could reach the factory. McKenney admitted that he had checked some of this by hiring "honest" Americans to go among the Indians, but he had not eliminated all the private traders.¹

Evidence of this was seen in the summer of 1814 when John Fowler, a factor in the Arkansas Territory, reported from the Cherokee lands that traders had an established route which they traveled through the reservation, selling whiskey to the Indians.² Two weeks later Fowler reported that even the Cherokee were complaining of whites selling liquor in villages. He asserted that the Indians were given no protection whatsoever against this intrusion and that they were eventually robbed of everything of value which they owned. Fowler blamed existing practices for allowing easy access to the Indian country to some of the worst characters on the frontier. The agent then voiced another complaint. He said that it was extremely difficult to obtain legal proof against traders. Apparently witnesses risked life and limb by giving evidence against these men.³

¹Edwin W. Hemphill (ed.), The Papers of John C. Calhoun, 1817-1818, Vol. II (Columbia, South Carolina: University of South Carolina Press, 1963), p. 393.

²Carter, XIX, p. 76. ³Ibid., p. 75.

Worse yet, if evidence could be found the local civil authorities often wouldn't prosecute. Russel B. Hyde, an agent in the Arkansas Territory, complained in 1823 that the U.S. Attorney had refused to prosecute persons for trapping and hunting on Indian lands. He also revealed the startling fact that one-half of the residents of the area were engaged in illegal trade with the Indians. Hyde lamented that in order to try the violators, he would have to send them to Mississippi or Louisiana and he couldn't spare the men.¹ Enforcement of the Intercourse Acts thus seems to have been impossible. Francis Prucha noted that if a violator was somehow brought to trial, the chances were that the judges would dismiss the case on a technicality or the jury would side with the defendant.²

These complaints tend to support the idea that the factory system was not working effectively to control trade with the Indians. It failed to make the Indians dependent on the government or to provide a method for introducing the arts of civilization. McKenney felt strongly that through trade the country had a chance to solve its Indian problem, but he realized that if the system regulating trade wasn't strengthened, it would not work. He struggled hard to improve the

¹Carter, XX, p. 123.

²Prucha, p. 71.

controls on trade, but when Congress did not respond, he could see the system was doomed by the growth of private trade.

The importance of the abolition of the factory system should not be over-emphasized. The Secretary of War still retained the power to license traders, although his power to restrain illegal trade remained limited. The demise of the factory system reflected the failure of the Monroe administration to achieve a positive result in one very important area of its Indian policy. The frontier was too extensive and the ambition of the traders too overwhelming to permit effective federal control over white-red contacts. Unable to protect the Indians, the government gradually came to the conclusion that removal was the only way to prevent the annihilation of the tribes.

The failure to protect the Indians did not end with the encroachment of unlicensed traders. Early in Monroe's administration there was evidence that many white settlers were on Indian lands. In 1817, while directing surveying operations in Alabama, William Borne described land which had recently been ceded by the Indians. He noted that although unsold and unsurveyed, the lands were by no means destitute of population. He described some of the districts as being widely settled by an extensive white population; he concluded that the time for removing intruders was long

past.¹

In April of 1818 Governor Lewis Cass of the Michigan Territory suggested that it would be advisable for the government to extinguish Indian title in the vicinity of Green Bay. This was because there were considerable white settlements there, which had been in existence for over thirty years.² It was obvious that by this time the government could not stop the flow of white farmers onto desirable Indian lands.

The great tide of white settlement towards the Indian lands had begun after the War of 1812 had removed the British influence from the Northwest and Southwest. By 1820, this white pressure was beginning to be felt by the Indians of the north and south. The demands for extinguishing Indian title was growing daily. Calhoun was under great pressure and did try to persuade the tribes to remove throughout the Monroe years. In 1817 a treaty was signed with the Cherokees with removal as its goal, and some of this tribe actually did move west of the Mississippi. Again and again Calhoun approached the tribes, and in 1821 did obtain a removal agreement with the Choctaw. However the Indians, especially the southern tribes, matured to the point of not ceding another foot of their land, and Calhoun's efforts were in vain.

As a result the condition of the tribes began to

¹Carter, XVIII, p. 70.

²Carter, XVII, p. 582.

deteriorate, the settlers began to complain and Indian policy would soon become a national political issue. Frontier interests, some missionaries among the Redmen, and many cabinet officials began to urge immediate removal, while easterners and the majority of missionaries urged strict protection of Indian rights.

Failing to convince the tribes that removal was imperative and being patient enough to wait until they desired to remove, Calhoun pushed his program of Indian education. In 1822 he reported on the progress of education efforts, and announced that \$15,000 had been expended at eleven Indian schools. These schools were required to teach the 3 R's, and agricultural, manufacturing and domestic skills. So far, he contended, experience had justified the expenditures. He could not call it a success, however. Calhoun said that only time would tell if the system would bring the Indian into civilization. He felt that before the efforts could have an impact the present generation would have to pass away. He also repeated his criticism of treating the tribes as independent nations and felt that in order to preserve them, the jurisdiction of the United States should be extended over them. Prior to this, however, Calhoun felt the system of education must be put into extensive and active operation.¹

¹Annals of Congress, 17th Congress, 1st Session, p. 984.

Again, the Secretary of War was hoping that education would show the Indians that they should remove. Later developments would prove this policy to be unrealistic. Calhoun was well aware of white pressure upon the Indians and of the inability of the government to arrest it. He did not realize that the Indians would not be given a generation to achieve education and civilization.

Congress was also failing to keep up with new problems facing the Indians. As early as 1818 William Clark, Indian superintendent at St. Louis, had complained that he lacked the funds to impress upon the Indians (by use of presents and trade goods) that the policy of the U.S. government towards them was directed towards peace and tranquility. He expressed his absolute inability to manage these "wild people" in such a way as to prevent trouble and discontent.¹

In spite of this Congress reduced the budget of the Indian department from \$200,000 to \$100,000 in March, 1821. Calhoun reacted by curtailing all expenditures other than payment of employees, transportation and annuities to the Indians. Any other activities concerning Indians would have to be financed by special congressional appropriations. This seriously hindered any other activities by the bureau. This action of Congress is somewhat difficult to understand. It shows that Congress was more worried about balancing a budget

¹Hemphill, p. 306.

and reducing the size of the army than the plight of the Indian. Yet, the President, the War Department and Congress were aware of what the Indian's fate would be, if some positive program was not started. In 1824, James Monroe told Congress that the Indians, surrounded by a white population, could not maintain order among themselves and would soon be annihilated. He suggested that all of this could be avoided if the tribes would remove.¹ Calhoun had told Congress in 1822 that an Indian tribe surrounded by whites was destined to remain unhappy and uncivilized. He said that Indians in this condition lost their lofty spirits and heroic courage and dwindled away.² Concerned Congressmen began to describe the fate of the Indians. In 1825, while a removal bill was being considered, Senator John Eliot of Georgia made a passionate plea for Indian removal. He pointed out that the decline of the Indians was a result of their location and urged that they be moved beyond the eroding white population before they disappeared.³ Although Eliot and his state had a great deal to gain from removal, he was familiar enough with the aggressive habits of frontier whites to know that

¹Messages, II, p. 805.

²Annals of Congress, 17th Congress, 1st Session, p. 986.

³Register of Debates in Congress, Eighteenth Congress, Second Session (Washington: Gales and Seaton, 1825), p. 634.

what he said was true. Despite this, the bill was eventually lost in the House and although the aforementioned removal efforts did take place, no organized operation could begin.

This disorganization played an important role in the early failure of removal. Very early in Monroe's administration Andrew Jackson had forced the Choctaw to sign a removal treaty. The Indians later repudiated the treaty, but what was more interesting was the fact that Jackson had granted the Choctaw land within the organized limits of the Territory of Arkansas. By 1820 Governor James Miller was begging that the senate not approve the treaty. He pointed out that it would be necessary to depopulate two entire counties in Arkansas. He indicated that one third of the entire white population of the territory lived within the Choctaw cession.¹ In the same year the territorial assembly of Arkansas petitioned the President not to make their territory "the receptacle for this unfortunate race of people."² This opposition to removal by whites who were west of the Mississippi would later contribute to bringing the operation to a halt. It was definitely a mistake to attempt to enforce this treaty, because an object of removal was to withdraw the Indians from the limits of the states and territories.

This mistake and a small amount of voluntary removal by the Cherokee were the only successes which Calhoun and

¹Carter, XIX, p. 245.

²Ibid., pp. 143-144.

Monroe had in pursuing this policy. In spite of this apparent failure, these two men did lay an important and necessary foundation upon which the removal policy could be built. Monroe stated the basic principles and beliefs, which would soon become the standard defenses for removal. Calhoun transformed these beliefs into a program, which approached the Indian problem in a systematic way. The program operated in four basic areas. The basic goal was to remove those Indians who were not wise in the arts of civilization. Also, education was to play an increasing role in Calhoun's program. This was to aid in both removal and in advancement in civilization. In addition, Calhoun wanted an improvement in the Indian Affairs Bureau itself, and hoped this would increase the effectiveness of Indian administration. The final part of Calhoun's program was the most important. He called for the end of treating Indian tribes as independent nations and urged that they be brought under the jurisdiction and the laws of the United States. He wanted to legislate for the Indians and not treat with them. This denial that Indian tribes were independent nations later became an important factor in the success of removal. Calhoun realized that Indian power had been broken by the War of 1812. With their military strength shattered the tribes were helpless against the tide of white settlers which swept onto their lands. They needed some protection, and Calhoun felt the United States should provide this.

This program was never fulfilled during Calhoun's tenure. Instead, Congress harshly undermined the existing policy by cutting funds and troops, and eliminating the factory system. Federal officials continued to promise the Indians protection on their reserves, but it was obvious that the government could not prevent white intrusion. The result was that the Indians lost faith in the pledges of the United States, the frontier settlers lost patience and grew angry, and the government became bogged down with conflict as far as the Indians were concerned. More importantly, as demands for removal became more commonplace, Indian policy began emerging as a national political issue.

Chapter 5

THE END OF MODERATION

John Quincy Adams became President at a time when American Indian policy could have gone in either one of two directions. Adams inherited from the Monroe administration an Indian policy that stressed removal by persuasion, education and manipulation. By 1825 a significant number of philanthropic organizations had accepted removal as a necessary element in the civilization program. Their argument was that removal of the tribes west of the Mississippi would provide sufficient time for the incorporation of the Indians before they disintegrated in the face of the frontier advance.¹ As stated earlier, Monroe, Calhoun and McKenney wanted such removal to be voluntary. Adams could continue this policy or he could respond to the pressure of state authorities and the frontier "border-spirit" by adopting a hard-line policy that would remove the Indians by force. The President from New England decided to continue, in most essentials, the Monroe-Calhoun policy of moderation. Adams failed to accomplish the goals of such a policy. During his administration most of the

¹Bernard W. Sheehan, Seeds of Extinction: Jeffersonian Philanthropy and the American Indian (Chapel Hill: The University of North Carolina Press, 1973), pp. 242-243.

tribes east of the Mississippi continued to disintegrate, the southern tribes became more nationalistic, the Georgia problem led to a show-down between state sovereignty and federal authority, and as a result by the end of Adams' four years in office U.S.-Indian relations had reached a dramatic crisis point.

Adams appointed James Barbour of Virginia as Secretary of War and it was left to Barbour to implement the administration's Indian policy, although Thomas McKenney, as head of the Bureau of Indian Affairs, played a key role in most decision making.

Secretary of War Barbour offered his judgments on the state of U.S.-Indian relations and his recommendations for a solution of the problems in an exhaustive report to the Committee on Indian Affairs of the House of Representatives on February 3, 1826. This report revealed clearly the growing sense of desperation felt by federal officials as they confronted the dilemma inherent in the management of Indian affairs during the mid 1820's.

Barbour began his report with historical reflections. Noting that previous attempts by the government to solve the conflicts between Indians and whites had failed, Barbour judged that "the future is not more cheering, unless resort be speedily had to other councils than those by which we have heretofore been governed." He acknowledged that "one master passion... that of acquiring land..." had driven the white

man on the Indian and that the latter, yielding to a force he could not resist, had constantly retreated and wasted away until "a wretched fragment only survives... whose portion is to brood in grief over their past misfortunes or to look in despair on the approaching catastrophe of their impending doom."¹

He then asked "a most solemn question:" "shall we go on quietly in a course, which, judging from the past, threatens their extinction, while their past sufferings and future prospects, so pathetically appeal to our compassion?" Barbour, reflecting the prevailing mood of both humanitarians associated with the benevolent movement and federal officialdom, asserted that the "character of a nation" was at stake. The United States must "give an example of the triumph of liberal principles" and save the Indians from destruction.²

The Secretary paid tribute to earlier governmental efforts to civilize the Indians out of a "spirit of benevolence," but then went to explain the failure of those efforts because of the insatiable land hunger of frontiersmen. He admitted that the United States had broken treaties and sacrificed the happiness of the Indians to the acquisition of new lands. The Indians "emphatically ask us," Barbour continued, "what new

¹U.S., Congress, House of Representatives, James Barbour to John Cocke, February 3, 1826, Executive Doc. 102, 19th Cong., 1st Sess., p. 5.

²Ibid., p. 6.

pledges can you give us that we shall not again be exiled when it is your wish to possess these lands?"¹

Having presented this poignant analysis Barbour proceeded to outline a removal plan that would hopefully remedy the defects in the Monroe-Calhoun program. Barbour's scheme involved five essential elements. First, the government should set aside as an "exclusive abode" for the Indians the country west of the Mississippi, and beyond the states and territories, "and so much on the East of the Mississippi as lies West of Lake Huron and Michigan...." Second, the Indians should be removed to those areas as individuals, "in contradistinction to tribes." Third, the government should set up a territory, similar in Organization to the territories established since the Northwest Ordinance, in the designated area. Initially that Indian territory would be governed by a Governor, three Judges and a Secretary, all appointed by the President. The Indians could have their own legislative body "as soon as the civilization of the Indians would admit of it." Fourth, when circumstances should justify it, government policy should be directed toward "the extinction of the tribes, and their amalgamation into one mass, and a distribution of property among the individuals." Fifth, those Indians who might choose not to remove would remain in their present location in an "unaltered" condition. It was Barbour's

¹Ibid., p. 7.

judgment that these "must soon surrender their distinction of race for the resemblance of the white man." He meant, of course, that this group of Indians would have to become subject to the control of the states within those boundaries they remained.¹

The foregoing recommendations Barbour presented in the form of a bill "for the preservation and civilization of the Indian Tribes within the United States." In appealing for its passage Barbour stressed that "the end proposed is the happiness of the Indians--the instrument of its accomplishment--their progressive, and finally, their complete civilization."² Barbour's plan differed from the Monroe-Calhoun scheme in one important aspect. Monroe and Calhoun had failed to persuade the chiefs of the Cherokees and other southern tribes to remove voluntarily. Barbour's plan would permit individuals within those tribes who wanted to remove to do so on their own volition. This could be arranged by negotiating a treaty with just that faction of the Indian tribe which agreed to emigrate. The obdurate chiefs, such as John Ross of the Cherokees, could be by-passed.

In the main, however, Barbour's plan for removal continued the principles followed by the Monroe administration. As Barbour emphasized in his report, "the leading principle of the bill... is that nothing is proposed to be done....

¹Ibid., p. 8.

²Ibid., p. 10.

without their own consent."

President Adams approved this plan, but the bill which would have implemented it failed to pass in Congress. As a result Adams' and Barbour's only attempt to establish an innovative system for dealing with the Indians was destroyed.¹ However, Congress did give the administration a chance to act in the same year. On May 9, 1826 the legislators passed a law "To Enable the President of the United States to Hold a Treaty With the Choctaw and Chickasaw Nations." This bill appropriated the funds necessary for the federal government to send commissioners to meet with these tribes and purchase more land in Mississippi.² It gave Adams a chance to approach some of the tribes about removal and also gave him the chance to quiet western impatience by obtaining some concessions from the Indians. This was not to be. Negotiations with the two tribes bogged down and eventually failed. Many citizens of Mississippi, who had expected much new land to be opened for settlement, became enraged, and the opposition to moderated Indian removal began to solidify and become vocal. At the very least, these people wanted a thorough re-examination of the government's methods of handling the Indian problem.

¹Francis Paul Prucha, American Indian Policy in the Formative Years: The Indian Trade and the Intercourse Acts, 1790-1834 (Cambridge: Harvard University Press, 1962), pp. 230-231.

²Arthur H. DeRosier, Jr., The Removal of the Choctaw Indians (Knoxville: University of Tennessee Press, 1970), pp. 90-91.

Representative William Haile of Mississippi called a meeting of representatives from all the southern states to discuss the problem and to develop a unified Indian policy. This 1827 meeting was attended by representatives from North Carolina, Georgia, Florida, Tennessee, Alabama and Mississippi. These men adopted a resolution calling for total Indian removal and felt that the passage of state laws abolishing tribal governments would be the most effective method of achieving this in light of the government's refusal to use force to accomplish the goal.¹ The policy of voluntary removal was coming under fire from an organized opposition that offered an alternate solution to the problem. Most of the opposition came from southern states with rapidly increasing white populations and great portions of territory under Indian title.

The absence of South Carolina from the meeting stands out. South Carolina no longer had an Indian problem, since the state had extinguished tribal titles within her bounds by conquest after the Revolution. Political representatives from South Carolina and many of the northern states were less likely to advocate forced removal. Indeed, they often sided with such spokesmen for Indian rights as Theodore Frelinghuysen and Daniel Webster.

With tensions increasing President Adams took a stand

¹DeRosier, p. 93.

in 1825 that intensified the dispute over Indian policy. In February it came to his attention that the Treaty of Indian Springs, negotiated with the Creek nation in December, 1824 and ratified in January, 1825, had touched off an explosion. The treaty, calling for a major cession of land by the Creeks in the State of Georgia, had been signed on the Indian side by a faction of the Creek tribe led by William McIntosh, a chief with a long history of cooperation with the whites and Georgia officials. After ratification of the treaty McIntosh was assassinated by agents of the Creek faction opposed to the cession of land to the United States. Virtual civil war broke out in the Creek nation over the issue. Adams was faced with the majority of the Creek nation refusing to abide by the terms of the treaty. After consultation with Barbour, Adams decided to disregard the treaty and negotiated a new treaty more satisfactory to the majority of the Creeks. This was the Treaty of Washington, signed January 24, 1826. The new treaty obtained a large cession of land from the Creeks in the State of Georgia, but not all Creek land in the state as was the provision of the earlier treaty. Adams and Barbour felt justified in setting aside the first treaty because they obtained proof that it had been signed by a minority of the Creek nation. Barbour, who signed the Treaty of Washington for the government, explained that the United States "was unwilling that any cessions of land should be made to them, unless with the fair understanding and full

assent of the Tribe making such cession...."¹

In the aftermath of this decision the Georgia officials objected violently. Governor George M. Troup of Georgia, who had earlier bribed McIntosh to sign the Treaty of Indian Springs, refused to recognize the validity of the Treaty of Washington. Instead, he sent in Georgia surveyors to survey all the land ceded by the Creeks in the Treaty of Indian Springs. Then President Adams contemplated ordering federal marshalls to Georgia to arrest the surveyors as trespassers on Indian land. A serious confrontation developed between the President and the State of Georgia that came close to involving a military conflict between federal authorities and state militia. Troup would back up his surveyors with the militia. To this challenge President Adams responded cautiously. He decided against using federal military force to apprehend the trespassers because "if the military force of the Union should have been employed to enforce its violated law, a conflict must have ensued, which would itself have inflicted a wound upon the Union and presented the aspect of one of these confederated States at war with the rest."² Adams solution was merely to instruct the U.S. Attorney and marshall in the District of Georgia to commence prosecution

¹U.S., Congress, House of Representatives, Treaty of Washington, House Doc. 165, 19th Cong., 1st Sess., p. 5.

²Richardson, II, p. 372.

against the surveyors. But Adams did issue a threat to the State of Georgia:

...it is my duty to say that if the legislative and executive authorities of the State of Georgia should persevere in acts of encroachment upon the territories secured by a solemn treaty to the Indians, and the laws of the Union remain unaltered, a superadded obligation even higher than that of human authority will compel the Executive of the United States to enforce the laws and fulfill the duties of the nation by all the force committed for that purpose to his charge.¹

The State of Georgia eventually forced the federal government to negotiate for the complete relinquishment of all Creek land within the state. Governor Troup had declared: "the harmony and tranquility of the two governments, so much to be cherished by all good men, can never be maintained uninterruptedly until those Indians shall have been removed."² They were removed. A treaty signed in November, 1826 by Thomas McKenney (with a supplementary article added by Agent John Crowell on January 3, 1828) embraced a cession by the Creek nation of all the remnant of their lands within the State of Georgia. The result of this confrontation was turning point in Indian affairs, with the federal government bowing to the demands of a state. The federal retreat had, moreover, been approved by Congress. In March, 1827, a

¹Ibid., p. 373.

²U.S., Congress, House of Representatives, Message of Governor George M. Troup, November 7, 1826, House Doc. 59, 19th Cong., 2nd Sess., p. 7.

select committee in Congress appointed to consider the disagreement between President Adams and the State of Georgia had resolved that "the law of the land, as set forth in the Treaty of Washington, ought to be maintained by all necessary constitutional and legal means," but accompanied this with a resolution urging the President to procure a cession of the remaining Creek land in Georgia.¹ Rather than enforce the Treaty of Washington, President Adams preferred to negotiate another treaty. It was a grim omen for the Indians.

Meanwhile, Adams and Barbour were brought face-to-face with the even thornier problem involving the Cherokees in the State of Georgia. The Cherokee, described in 1825 by McKenney as "a civilized people," were appealing to Adams to protect them against the State of Georgia. Since the end of the War of 1812 and particularly since 1820, Georgia had applied increasing pressure upon the federal government to fulfill the terms of the Compact of 1802 and extinguish all Indian land titles in that state. In 1825 the Cherokee nation numbered 15,000, including 200 whites living within the nation and over 1000 slaves. Two-thirds of the Cherokees then lived within the statutory limits of Georgia.² Without question the Cherokees had advanced farther toward "civilization" than

¹U.S., Congress, House of Representatives, House Report 98, 19th Cong., 2nd Sess., p. 22.

²U.S., Congress, House of Representatives, Executive Doc. 102, 19th Cong., 1st Sess., p. 18.

any other tribe within the United States. Led by progressive chiefs, many of whom were mixed bloods, between 1819 and 1827 the Cherokees had made a supreme effort to forestall the removal of their people from the ancestral lands. They replaced ancient tribal culture with that of the educated and Christianized white man and they converted tribal government into a republic patterned after that of the United States.¹

It was clear at the beginning of Adams' administration that the Cherokees would not voluntarily emigrate west of the Mississippi. Early in 1825 a delegation of Cherokee chiefs told President Adams that "no inducement can ever prompt them to abandon their habitations for a distant, wild, and strange clime" and that "they cannot consent to yield another foot of land."² The chiefs acknowledged that removal might contribute to the betterment of primitive tribes,

But if Indian civilization and preservation is sincerely desired, and is considered worthy the serious attention of the United States, never urge the removal of those tribes, who are now successfully embracing the habits of civilized man within their own limits. A removal of the Cherokees can never be effected with their consent; consequently, if removed at all, it must be effected by such means as would engender irreconcilable prejudices, and their depression and³ ultimate extinction would inevitably follow.

¹Grace Steele Woodward, The Cherokees (Norman: University of Oklahoma Press, 1969), p. 139.

²U.S., Congress, House of Representatives, Report and Resolutions of the Legislature of Georgia, House Doc. 59, 19th Cong., 2nd Sess., p. 183.

³Ibid.

Georgia officials, in response to cultural advancements made by the Cherokees, intensified efforts to force federal authorities to secure the removal of the Cherokees. Resolutions presented to Congress by the Georgia legislature in 1827 contained charges that the federal government had "palpably violated" the contract of 1802 by failing to obtain a cession of all Cherokee lands in Georgia; that U.S. policy towards the Cherokees "has not been in good faith toward Georgia;" that "Georgia has the right to extend her authority and laws over the whole territory, and to coerce obedience to them from all descriptions of people, be they white, red, black, who reside within her limits." After repeating the demand for federal action to remove the Cherokees, the Georgia legislators asserted they would "not attempt to enforce... rights by violence, until all other means of redress fail."¹

Georgia's threats were in part provoked at this time by the recent action of the Cherokees in adopting a written constitution for the nation. The constitution was similar to that of the United States and asserted Cherokee sovereignty over their lands. The Secretary of War, James Barbour, warned the tribe, through their Indian agent, that the Cherokee constitution did not change relations between the

¹U.S., Congress, Senate, Resolutions of the Legislature of Georgia, Senate Doc.80, 20th Cong., 1st Sess., p. 12.

United States and that tribe. The Cherokees replied that in their view the constitution "was adopted with no view to set up an independence unwarranted by the treaties with the United States." On the contrary, they would "expect the protection of the United States in good faith, in supporting such rights as are secured to the Cherokee nation by our treaties."¹

Georgia officials took a different view. In their judgment the framing of the Cherokee constitution represented an attempt to establish a government independent of Georgia "inconsistent with the rights of the said State, and therefore not recognized by this government, and ought to be decidedly discountenanced by the general government."²

A crisis had come. The federal government was faced with either violating agreements with the Indians or violating the Compact of 1802 with Georgia. The scheme to achieve removal of the Indians by persuasion was not succeeding as hoped by federal officials since the early days of the Monroe administration. The Indians would simply not emigrate voluntarily.

The Cherokees were not the only Indians east of Mississippi who refused to emigrate. The Choctaws in

¹U.S., Congress, House of Representatives, Letter from the Secretary of War, House Doc. 106, 20th Cong., 1st Sess., p. 22.

²Senate Doc. 80, 20th Cong., 1st Sess., p. 12.

Mississippi declared to Barbour in early 1826 that "we have come to a resolution that we will sell no more land on any terms."¹ Similar resistance to removal was shown by the Chickasaws. Replying to the "talk" made by commissioners sent to negotiate a removal treaty with the Chickasaws in 1826, Chickasaw chief Martin Colbert stated:

We find it is the wish of our father to exchange lands with us, lying on the West side of the Mississippi river, which we are very sorry to hear, as we never had a thought of exchanging our land for any other, as we think that we would not find a country that would suit us as well as this we now occupy; it being the land of our forefathers, if we should exchange our lands for any other, fearing the consequences may be similar to transplanting an old tree, which would wither and die away, and we are fearful we would come to the same; we want you, our brethren, to take our talk; we have no lands to exchange for any other....²

Thomas McKenney, head of the Bureau of Indian Affairs in the War Department and the most important government agent during these years involved in negotiations with the Indian tribes, was exasperated by the Indians' refusal to emigrate. McKenney felt that Indian opposition to the removal policy of the government was due to the interference of white men and civilized mixed bloods living with the Indian nations.³

¹U.S., Congress, House of Representatives, Choctaw Chiefs to James Barbour, March 18, 1826, House Doc. 39, 19th Cong., 2nd Sess., p. 7.

²U.S., Congress, Senate, Journal of Treaty Commissioners, Senate Doc. 21, 19th Cong., 2nd Sess., p. 32.

³U.S., Congress, Senate, Report of the Secretary of War, Senate Doc. 1, 20th Cong., 1st Sess., p. 177.

McKenney argued that the "great body" of Indians, if left to themselves, would cooperate with the government. He advocated that government policy be changed so as to provide "power that shall cause these interested People to cease their interfering agencies." Specifically McKenney urged that the government make it clear to the Indians that the United States' "determination is final." He suggested that the government tell the Indians "they must go and enjoy it" since removal was "intended wholly to benefit their condition."¹

To avoid the meddling of the "enlightened half-breeds," McKenney thought it would be necessary to give them "liberal portions" of land within ceded areas. These individual allotments would serve as a means of convincing the half-breeds to support removal of the rest of the tribe.² This suggestion was put to good use by the Jackson administration in the 1830's and proved to be a necessary condition of all successful removal negotiations.

While Barbour, McKenney and numerous treaty commissioners attempted in vain to implement voluntary removal, Congress was beginning to feel the pressure of the growing crisis in Indian affairs. In April, 1828, a routine bill,

¹Ibid.

²U.S., Congress, House of Representatives, Thomas L. McKenney to James Barbour, December 27, 1826, House Doc. 28, 19th Cong., 2nd Sess., p. 6.

designed to defray the expenses of Choctaw and Chickasaw delegations sent to explore lands of the Mississippi, was introduced in the Senate and caused an unexpected debate. Thomas Hart Benton, of Missouri, used the occasion to discuss the merits of removal. He called it safe and humane, and pointed out that it would end the threat of Indian war in the frontier states. Thomas Cobb of Georgia offered an amendment calling for the inclusion of the Creeks and Cherokee tribes within the provisions of the bill. Cobb saw an opportunity to speed up or at least get removal efforts started again with respect to those tribes. The amendment, however, was objected to by Powhatan Ellis of Mississippi on the grounds that the Creeks and Cherokees had expressed firm opposition to removal. The debate then moved away from the subject of Indian explorations of western territory and towards the general issue of removal. At this point Richard M. Johnson of Kentucky sought to bring the question back to focus, and indicated that the bill before the Senate was designed only to

enable the President to appoint agents to conduct a small number of chiefs, or other influential men of these nations, to a new country west of the Mississippi, to examine it for themselves, and bring back to the various tribes a correct account of all the advantages and disadvantages of the situation.¹

¹Register of Debates in Congress, 20th Cong., 1st Sess., Vol. IV (Washington: Gales and Seaton, 1828), p. 661.

Johnson could not understand why the bill should be limited to just two tribes and urged that the bill be made general. He indicated that helping the Indians voluntarily look for a new home was "magnanimous and honorable." The Senator concluded by pointing to the advancement of the southern tribes toward civilization. William Rikin of Alabama disputed this contention and offered the opinion that wild Indians in the woods were more noble than half-civilized Indians who so often contracted the vices of the lower class whites. Cobb's amendment was adopted and the Senate went on record as favoring the expenditure of money to sponsor exploratory journeys to the west by all four tribes.¹

This debate demonstrated how important and volatile the Indian question was becoming during the late 1820's. Southern and western Congressmen were under great pressure to accomplish some degree of Indian removal and never missed an opportunity to appropriate money for that purpose. Pressure on these Congressmen was so great that in May, 1828 they passed a Choctaw removal bill in the House. Although this was defeated in the Senate, it indicated the growing demand by the national legislators to promote removal by legislative action. It showed clearly that initiative for Indian policy was being taken away from the President, who had failed to act decisively.

¹Ibid., p. 663.

In response to a congressional request for information on the progress of Indian removal, Thomas McKenney revealed that approximately 6000 Cherokees had voluntarily emigrated west of the Mississippi as a result of the Treaty of 1817 and that Creeks, numbering about 700, had moved west of Arkansas Territory under the Treaty of 1826. About the same number of Choctaws had moved across the Mississippi according to the option provided in the 1820 Treaty of Doak's Stand. The only other removals on a voluntary basis had involved the Kickapoos, Shawnees, Weas and Piankishaws, tribes in the northwest. McKenney added that the "contingent fund" out of which the expenses for this removal had come was now insufficient for any further removal efforts.¹

Although during the Adams administration there had been some success persuading smaller, weaker tribes in the northwest to remove west of the Mississippi, the government had failed to achieve its removal objectives in the case of the major tribes of the southeast. This failure, demonstrated at a time when white pressure on the Indians was reaching a peak, led to a serious crisis. Frontier elements demanded action and threatened to take matters in their own hands. The Indians still occupied large tracts of land east of the Mississippi, but their condition was deteriorating. Evidence

¹U.S., Congress, House of Representatives, Thomas L. McKenney to James Barbour, March 26, 1828, House Doc. 233, 20th Cong., 1st Sess., p. 6.

showed that by 1828 whites were trading in and living on Indian lands and the government was impotent to stop the trespassing.

During late 1828 James Barbour resigned as Secretary of War and was replaced by Peter B. Porter of New York. In his report, which accompanied Adams' Fourth Annual Message, Porter called attention to the diversity of opinion within the government and within the nation at large concerning Indian policy.

The different views entertained not only by different classes of our citizens, but even by the different offices acting under this Department, in regard to the leading measures of policy which ought to govern our intercourse with the Indians, have furnished fruitful sources of complaint against this Department, and often of collision between the officers themselves.¹

Porter went on to explain the conflicting opinions. He noted first that certain "advocates of primitive and imprescriptible rights" were contending that the Indian tribes were "independent nations and have the sole and exclusive right to the property and government of the territories they occupy." He then referred to others who considered the Indians as "mere tenants at will, subject, like the buffalo of the prairies, to be hunted from their country whenever it may suit our interests or convenience to take possession of it." Porter then admitted that as yet "the intermediate line has never been

¹U.S., Congress, Senate, Report of the Secretary of War, November 24, 1828, Senate Doc. 1, 20th Cong., 2nd Sess., p. 20.

drawn by the government."

Porter then offered his judgment, which was that "these Indians will not be permitted to hold the reservations on which they live, within the States, by their present tenure, for any considerable period." Even if these Indians were not disturbed in their possession by the whites, Porter continued, they would not long be able to subsist because of the eventual destruction of game. He offered then a solution--that the government "take them under its paternal care, and exercise over their persons and property the salutary rights and duties of guardianship."¹

With regard to the modern plan of voluntary removal, Porter said it was ineffective because the system involved two principles that counteracted each other. On the one hand the government was making great efforts to convince the Indians to move to an area west of the Mississippi "remarkable for salubrity of climate, fertility of soil, and profusion of game." Government officials were offering "liberal pecuniary inducements" to the emigrants. This policy was being frustrated, however, Porter suggested, because of another aspect of the government's handling of the Indians, the civilization program. Porter felt that missionaries and teachers, having been supported by government funds, had made very comfortable establishments in the Indian country

¹Ibid., p. 22.

and were now "unwilling to be deprived of them by the removal of the Indians."¹

Porter's answer to this contradiction in American Indian policy was to shape all laws and treaties to the attainment of the main object, "colonization." He advised that the removal plan be changed in several important respects. First, he suggested that the emigrating Indians that chose to "devote themselves to the chase," be permitted to continue that way of life. Those, however, who wanted to "cultivate the arts of civilization" should be formed into a colony, "consisting of distinct tribes or communities, but placed contiguous to each other and connected, by general laws, which shall reach the whole." Lands in the colony should be apportioned among families and individuals, in severalty, and held in fee simple title with a temporary restraint upon the power of alienation. Importantly, Porter wanted to use the appropriation for civilizing the Indians in the colony. Thus the missionaries and teachers would follow the Indians to their new home in the west. Another important suggestion, indicating the new attitudes of the government, was that Indians who refused to emigrate should be granted individual land allotments "as shall be amply sufficient for agricultural purposes" and then subjected to the municipal laws of the States in which they resided.²

¹Ibid.

²Ibid., p. 23.

By the end of the Adams administration both the executive branch and Congress were admitting that speedy removal was the only way to save the Indians. Porter stated in early 1829 that "Judging the future by the past we cannot err in expecting eventual extinction unless our border becomes stationary and they be removed beyond it."¹ This pessimistic statement was a realization that the removal policy could not work without some method of forcing the Indians to emigrate. This could either be done by the federal government extending its laws over the Indians, the states extending their jurisdiction over the tribes, or by the use of military force. Calhoun, Monroe, Adams and Barbour had all recommended the first alternative. Congress was beginning to agree that some action was necessary, and at the end of Adams' administration the House Committee on Indian Affairs reported that removal was the only way to preserve the Indian.² This was the prevailing mood in the federal bureaucracy when Adams left office. The Indians would either emigrate or be annihilated; there was no middle course. Voluntary removal, advocated as the only just policy since after the War of 1812, had led to a polarization of sentiments about the Indians' destiny and produced a crisis between the states and the federal

¹Thomas Cochran (ed.), The New American State Papers, Indian Affairs, Vol. I (Wilmington: Scholarly Resources, Inc., 1972), p. 183.

²Prucha, p. 233.

government. If pursued further its logical outcome was annihilation of the Indians. New legislation was needed, and the new President, Andrew Jackson, was the man to get it.

Chapter 6

THE DEVELOPMENT OF FORCED REMOVAL

"I care nothing about clamors, Sir, mark me! I do precisely what I think just and right!"¹ Andrew Jackson had come to the White House, and with him came a fresh and different type of personality which would make the office of President more powerful than it had ever been. Jackson had less formal education than any previous President, and his reputation was built around his military career. His experience had made him grim and indomitable, but not dogmatic.² His character was so different from any previous President that many men who knew him well spent a lifetime trying to understand him. Thomas Hart Benton, the statesman from Missouri, finally concluded that "the character of his mind was that of judgment, with rapid and almost intuitive perception, followed by an instant and decisive action."³ Jackson did not try to deal in theories, but instead grasped at the substance of problems. "Once his mind was made up, no threats, no warnings of catastrophe, no dictates of prudence, could

¹Arthur M. Schlesinger, The Age of Jackson (Boston: Little, Brown and Co., 1945), p. 40.

²Ibid., p. 39.

³Ibid., pp. 41-42.

sway him."¹ This strong will led the young United States and gave the country definite direction. Once Jackson came to a conclusion as to what should be done, he would use any means to pursue his goal. He had tremendous self-control, but would often fly into performed rages in order to overawe an audience.² He was strong, unbending and determined.

Jackson also brought to the White House a frontier and western background. Born in frontier North Carolina, he had eventually moved to Nashville, Tennessee to practice law. This frontier experience combined with his strong will and a world of first-hand knowledge about Indians would make Andrew Jackson the greatest moving force ever to enter into the realm of American Indian policy. Jackson would put into operation and complete the removal policy, which had first been advocated by Thomas Jefferson. His experiences with Indians were many. He had fought them, made peace with them, and knew them as friends. By the time he became President he had many beliefs as to how Indian affairs should be handled and ignoring threats and warnings he put these into operation.

Jackson's experience with Indians really began in Nashville, Tennessee. Jackson moved there around 1790. At this time someone was killed by Indians every 10 days in the Nashville vicinity.³ Soon after, Jackson was appointed

¹Ibid., p. 40.

²Ibid.

³Marquis James, The Life of Andrew Jackson (New York: Bobbs-Merrill Company, 1938), p. 58.

Attorney-General for this area and constantly was in contact with the Indian problem.¹ He formed two conclusions about Indian affairs very early. He was opposed to "federal collaboration in Indian matters," and believed that the federal government did not know what was happening on the frontier.² Jackson also was opposed to treaties with the Indians, feeling that these agreements allowed Indians to murder with impunity.³ He agreed with Monroe that Congress should legislate for the tribes. These two beliefs, formed early in his career, would reappear as part of his Presidential Indian policy. They seemed to be constantly reinforced throughout his early career. In 1793, Jackson wrote that the Indians had proclaimed peace in the western country to "lull the people to sleep." He repeated that the Indians used peace as an "easy road to commit murder with impunity."⁴ Again in 1794, as the Indian situation reached a crisis on the Tennessee frontier, Jackson wrote that all hope of peace was gone and that the talks were designed only to throw the whites off guard. He felt experience showed that treaties only opened an easy door for the Indians to pass through

¹Ibid., p. 69.

²Ibid., p. 95.

³Ibid., p. 69.

⁴John Spencer Bassett (ed.), Correspondance of Andrew Jackson, Vol. I (Washington: Carnegie Institution, 1926), p. 12.

"to butcher our citizens."¹ In this letter another aspect of Jackson's character came out. This was the feeling that every hostile act should be answered in kind. Jackson believed in an eye for an eye and a tooth for a tooth, and his revenge could be terrible. In 1794, he questioned the policy of Congress which he believed was trying to solve the Indian question peacefully (Jackson at this point, ignored the war raging in the northwest and must have been speaking of local conditions). Instead he called for Congress to punish the "barbarians." He said that if Americans were to be punished for murdering Indians, then Indians should be punished for murdering Americans. He recommended that if the Indians did not give up murdering then their whole nation should be scouraged.² This aspect of revenge would constantly be present in Jackson's policy as long as he deemed the Indians a military threat. Yet, as further investigation will show, he never became an Indian hater. He would attempt, despite his rhetoric, to distinguish between friendly and hostile Indians, and would never advocate exterminating all Indians by killing women and children.

However, he did identify with frontier interests and by 1803 he had come to view the government's attempts to remove white intruders from Indian land as wrong. He wrote to Thomas Jefferson that such a policy was "better calculated for

¹Ibid., p. 12.

²Ibid.

the dark regions in the east, than for enlightened America."¹ This belief would also reappear in his Presidential policy. Although Jackson would later, as the commander of the Southern Military District of the United States, remove white intruders by force, he never believed it was a practical, workable or correct policy.

As the nation approached the War of 1812, the Creek Indians began to commit hostile acts on the southern frontier. Jackson proposed to fight the Creeks, but he never blamed them for what they did. Experiences from the Revolutionary War had left Jackson with a deep hatred of the British and he always blamed them for starting Indian wars. Fear of British intrigue would constantly influence Jackson's Indian policy. In 1808 he revealed these feelings in a letter to Thomas Jefferson. Writing about the hostile attitudes of the Creeks, he said he had no doubt that they had been stirred up by foreign agents among them. For Jackson, this brought to mind the Revolutionary War, where British influence "raised the scalping knife and tomahawk against our defenseless women and children."²

Once challenged, Jackson was not one to show mercy. By 1811, the tribes on the northern frontier were also at war and had defeated an American force. Jackson wrote, "In the west on the Wabash, excited by some secret influence the

¹Ibid., p. 67.

²Ibid., p. 186.

savage tomahawk and scalping knife is raised, the blow is struck, savage war has commenced, and we have to regret, the loss of many of our brave countrymen who. . . fell bravely by the hands of deceitful and ruthless savages. The blood of our murdered fellows must be revenged."¹

This language might suggest that Jackson hated all Indians and felt that they must be driven from their homes and killed. Jackson's actions during the War of 1812 do not bear out this conclusion. Despite earning a respected military reputation by defeating the British at New Orleans, Jackson spent the majority of the war fighting the Creek tribe in Mississippi and Alabama. It is actions in these campaigns that showed he did not desire the slaughter of all the Indians in North America.

Jackson's first campaign against the Creeks was in 1812. This expedition never reached its goal and there was no fighting. Marching his Tennessee volunteers towards the Creek frontier, Jackson was ordered to turn his supplies over to federal forces and dismiss his men. Although, his refusal to disperse his men on the spot and his disobedience of orders by marching home are widely controversial, it is the statements about the pending Indian war which are of concern here.

When first notified of the Creek uprisings Jackson wrote to Governor William Blount of Mississippi that he was horrified

¹Ibid., p. 209.

by the massacre of our women and children. He repeated his oft used statement that "They (Creeks) must be punished." After this he reasserted that he was sure they were urged on by British agents and felt that the sooner the Indians were attacked the better. He ended by saying that "It is therefore necessary for the protection of the frontier that we march into the Creek nation, demand the perpetrators, at the point of the bayonet--if refused that we make reprisals--and lay their towns in ashes."¹ Jackson was a hard man and a determined warrior, but he was not cruel. Unlike many frontiersmen he did not blame the entire Creek nation. He realized that a group within the tribe was probably at fault. Thus, the tribal leaders should have an opportunity to surrender these guilty individuals. If they refused, then their nation was at fault and would feel the weight of his hand. On July 3 he again stated this view when he told Blount that he was ready to move against the Creek nation. Jackson felt that until the tribe gave up their prisoner (the Creeks supposedly had a white woman hostage) and the hostiles, he felt justified in "laying waste their villages, burning their houses, killing their warriors and leading into captivity their women and children."² Once more it was clear that his revenge would be horrible, but at the same time it would not

¹Ibid.

²Bassett, I, p. 230.

be genocide. Jackson had no intention of killing women and children. They were innocent in his eyes and he would make war only on the warriors. This was a distinction that not many American Indian fighters made. Even Jackson's harsh revenge had a purpose. He wrote to Blount that if the Americans showed an immediate spirit of revenge the Cherokee would join them. He continued by saying that his course would also prevent bad men from the Chickasaw and Choctaw from joining the Creeks.¹ Jackson, did not lump all Indians together and realized that there were different tribes. But he also believed that "fear is better than love with an Indian." Thus a show of strength and swift revenge would win friends. He felt it was not only possible to keep other tribes friendly this way, but also to deal with parts of nations while other parts were scalping whites.² He urged Blount and others to make the friendly portion of the Creek nation join in punishing the hostile part, and in this way make the friendly part dependent on the United States for protection.³ The tone of Jackson's statements during the entire affair indicated that he believed the United States should punish Indians to make them fear the Americans. He felt that he must make an example of the hostiles in order to keep friendly Indians on the side of the

¹Library of Congress, Presidential Papers. Andrew Jackson, President, U.S. 1767-1845 (Microfilm) Series 1, reel 5.

²Ibid.

³Ibid.

United States.

Jackson could be a friend to the Indians and actually show compassion and concern over his red allies. Evidence of this could be seen in Jackson's dealings with the Cherokee during the affair. In July, 1812 Jackson wrote to John Strother, who was in Georgia organizing the Cherokee to aid in the campaign against the Creeks. He indicated that he would like Cherokee help but was concerned that "in the heat of battle some of my warriors, might mistake our friends and brothers the Cherokee for the Creeks, and through this mistake might kill our friends, which would leave a lasting grief upon my mind . . ." His decision was to use only 25 Cherokee as scouts and in a battle he would keep these close to him.¹ Jackson showed great concern for the lives of Indians in this case and also showed great trust in his allies. He was willing to let them scout and direct his troop movements. He was, also, not in a hurry to pit Indian against Indian in order to save white lives. Out of this campaign came several impressions. Jackson was willing to deal fairly with the Indians and consider some as his friends. He dealt harshly with his enemies, but not cruelly, and was not an Indian hater, but a hard warrior.

The true test of Jackson's statements came in 1813, when he marched against the Creek and this time engaged in a

¹Bassett, I, p. 232.

bloody war. His actions during the campaign indicated that his hateful rhetoric was for purposes of inspiring his men and not for the annihilation of the Creek nation. As the war drew to a close he made it clear that he wanted no atrocities committed by his men.

In March 1814, as the deciding Battle of Horseshoe Bend approached, Jackson's General Orders told his soldiers that they would soon have a chance to avenge the cruelties which the Creeks had committed upon their fellow defenseless citizens. However, he warned them that in victory and vengeance, they must be humane. The General did not want to tarnish his army's "virtuous reputation" by savage acts.¹ Jackson delayed his attack on Horseshoe Bend in order that Indian women and children could be evacuated and afterwards wrote that "I lament that two or three women and children were killed by accident."² Jackson was not out to annihilate an entire people. His humane attitude towards Indians and his respect for them and their lives was manifested in many other ways. He continued to use friendly Indians as allies, and was also willing to sacrifice to protect these red allies. During the campaign he heard of the arrest of an old Cherokee friend by the name of "Old Ratcliffe," a wealthy and respected man. The General was enraged that

¹Ibid., pp. 486-487.

²Ibid., p. 492.

a set of men should without any authority rob a man who is claimed as a member of the Cherokee nation, who is now friendly and engaged with us in a war against the hostile Creeks, in such an outrage, to the rules of war, the laws of nations and of civil society and well calculated to sour the minds of the whole nation against the United States, and is such as ought to meet with the frowns of every good citizen. . . .

Jackson ordered that his friend be released, returned his property and that the offenders be arrested and punished.¹

An interesting episode in the Creek campaign was Jackson's adoption of a Creek baby whose mother had been killed. In December, 1813, he wrote his wife that he was sending little Lyncoya, the baby, to her. Jackson said that the child was the only surviving member of his family and that the other Indians wanted to kill him. Jackson concluded by saying that "charity and christianity says he ought to be taken care of and I send him to my little Andrew and I hope will adopt him as one of our family."²

All of Jackson's actions during the Creek campaign of 1813-1814 indicated that he was fighting one enemy, which was a part of the Creek nation. He was hard on his enemy, but fair with Indians who were his friends and allies. He definitely was not an Indian hater and did not pursue a war of extermination.

¹Bassett, I, pp. 414-415.

²Ibid., p. 400.

After the Creek war, Jackson exhibited a number of new feelings about the Indians. A paternalism which he had never shown during the war was one of them. In a letter to the Creeks Jackson displayed this. Every paragraph began "Friends and Brothers," but the text sounded more like father to son. Jackson said to the Creeks, "You know me to be your friend, you remember when your nation listened to the advice of bad men, and became crazy by the prophecies of your wicked prophets raised by the machinations of Great Britain and Spain, by the order of your father the President of the United States I marched an army into your nation to protect those who remembered his talk, and held him fast by the hand in friendship."¹ The letter went on in much the same vein. Jackson viewed the Indians almost as children, who had to be cared for.

The General had been hard at the peace table, forcing the Creeks to give up over half of their land. Writing in May, 1814, he explained why. He claimed that the "hostile Creeks have forfeited all right to the territory we have conquered . . ." He felt that the friendly part of the Creek nation should be left sufficient land, but was very desirous of cutting the Creeks off from British and Spanish influence in Florida. Jackson wanted to populate the area between the

¹John Spencer Bassett (ed.), Correspondence of Andrew Jackson, Vol. II (Washington: Carnegie Institution, 1927), p. 216.

Indians and Florida with American settlers. He also advocated taking cessions from the Chickasaw and Cherokee in order to extend settlements to the Mississippi and cut off communication between northern and southern Indians. Jackson ended by saying this was required by national security.¹ The desire for national security became a foremost consideration in Jackson's handling of Indian affairs after the War of 1812. The desire to strengthen the southern frontier and improve its defenses dictated Jackson's Indian policy until the 1820's. In 1814 he informed the government the whole Creek nation was in a most wretched state and that they must be fed and clothed or necessity would compel them to embrace the friendship of the British.² In 1816, he wrote to James Monroe that he had received cessions from the Chickasaws and Cherokee which would open up an avenue of defense for the lower country (the south).³ A year later, Jackson wrote at length to Monroe on his views about Indian policy, and national defense was the keynote of the letter. Jackson said that everything should be done to "lessen our frontier" and "consolidate our settlements." This would cut off intercourse between northern and southern tribes and afford the U.S. a strong defense. Jackson accused the government of being in open violation of the Constitution by reserving

¹Ibid., pp. 2-3.

²Ibid., p. 25.

³Ibid., p. 261.

land as hunting grounds for the Indians. He believed that since the game had been destroyed, the Indians had no use for the land. He felt that the rights of American citizens required this land to be turned over to them.

Jackson took an early stand against the government's traditional policy of making treaties with the Indians, considering the system as "an absurdity." Viewing the Indians as subjects of the United States, he argued that Congress had the right to set Indian boundaries at will. In his opinion the treaty system had started because of the initial military weakness of the general government. Since that was no longer true, Jackson urged that the system be overthrown. Before concluding this letter Jackson endorsed the policy of civilizing the Indians, criticized the scheme of bribing chiefs for land cessions, and asserted that "Honor, justice and humanity certainly require that a change of policy take place."¹

It was apparent that Jackson had come to believe that the Indians should not be permitted to retain all their lands. At this point, Jackson recommended simply legislating for the Indians' own good by reducing their land holdings and turning them into farmers. Even at this date, however, he was thinking along the lines of the later removal policy. In June of 1817 he wrote to his friend and business partner John

¹Ibid., p. 298.

Coffee, offering the opinion that the tribes would be willing to exchange their lands east of the Mississippi for lands west of the river if they wanted to populate the area between the Indians and Florida with American settlers. He also advocated taking cessions from the Chickasaw and Cherokees in order to extend settlements to the Mississippi and cut off communication between northern and southern Indians. Jackson ended by saying that this was necessary for purposes of national security.¹

The concern for national security became a foremost consideration in Jackson's handling of Indian affairs after the War of 1812. The desire to strengthen the southern frontier and improve its defenses dictated Jackson's policies until the 1820's. In 1814 he informed the War Department that the Creek nation was in a most wretched state and would probably join the British unless given food and clothing by the United States.² In 1816 he wrote to Monroe and boasted that he had just obtained land cessions from the Chickasaws and Cherokees and that this new territory would open up an avenue of defense for the lower country (the south).³ A year later, Jackson wrote at length to Monroe on the subject of Indian policy. National defense was the keynote of his letter; he stated that everything should be done to "lessen

¹Ibid., pp. 2-3.

²Ibid., p. 25.

³Ibid., p. 261.

our frontier" and "consolidate our settlements." Jackson accused the government of open violation of the Constitution by reserving land as hunting grounds for the Indians. The General believed that since game had been destroyed, the Indians had no use for the land. It should rather be turned over to the whites.

Jackson felt that a few men, who were not full blooded Indians, had gained political and economic control over the tribes, but did not represent the feeling of the majority of the members. Jackson felt this minority was fattening on the annuities of the tribes and the labor of the poor Indians.¹

At the same time Jackson was becoming convinced that it was not only improper to remove white intruders from Indian's lands, but that it was also futile. As Commander of the Southern Military District of the United States it was his responsibility to do this when ordered. By 1817 he claimed that experience showed it was useless simply to remove intruders who were on Indian land. They would always return. Jackson felt that the only way to solve the problem was to turn the offenders over to civil authorities for prosecution and to confiscate their property for public auction. Thus success depended on the cooperation of local civil authorities.² As has already been seen this cooperation was seldom to be found. Jackson had another problem and that

¹Ibid., p. 298.

²Ibid., p. 308.

was that his troops, mostly militia, would never assist in this kind of operation. He felt that the only thing left was to try and get land cessions from the Indians.¹ In a final effort, Jackson proposed using Indian troops to enforce the tribal boundaries, but Secretary of War Calhoun vetoed this scheme when he found he had to pay them.²

Andrew Jackson became a persistent advocate of Indian removal during the Monroe administrations. In a letter to Calhoun in 1821 Jackson stated his belief that if it was the real object of the government to transfer across the Mississippi all Indians who were not disposed to become citizens then it was proper to act promptly. Congress, Jackson wrote, should establish the rule of legislating for, rather than treating with, the Indians within the territorial limits of the United States. Such a policy would, in Jackson's opinion, secure more justice to the Indians.³

In July, 1826, Jackson wrote at length about removal in a letter to Colonel John S. Terrill. Terrill had recently been selected by the War Department to serve as agent to

¹Ibid., p. 245.

²Francis Paul Prucha, American Indian Policy in the Formative Years: The Indian Trade and the Intercourse Acts, 1790-1834 (Cambridge: Harvard University Press, 1962), p. 165.

³Thomas C. Cochran (ed.), The New American State Papers, Indian Affairs, Vol. X (Wilmington: Scholarly Resources, Inc., 1972), p. 262.

the Chickasaws and to prepare that tribe for a land cession. Jackson advised Terrill to impress upon the Chickasaws that by removing they would at last be free from the encroachment of white settlers. He added that if the Chickasaws united out west with the Choctaw and the Creeks they would all become a great, powerful and happy people.¹ A few months later he urged John Coffee, who was preparing to negotiate a removal treaty with the Choctaws, to obtain a cession on the best terms possible because "this section of the country is of great importance to the prosperity and strength of the lower Mississippi and a dense white population would add much to its safety in a state of war."²

Unlike previous Presidents, Jackson brought to the White House a vast wealth of experience concerning Indian affairs. As a local frontier official, soldier, citizen and treaty commissioner he had dealt often with Indian problems. This experience gave him a distinctive western outlook in dealing with the tribes. He had learned to respect Indians as human beings, but saw them as children who had to be told what was best for them. He had fought them and had early concluded that for reasons of national defense and the ultimate civilization of the Indians they must relinquish much of their land. On the eve of his election he stood as a firm

¹Bassett, III, pp. 308-309.

²Ibid., p. 312.

supporter of the removal policy. He was not an Indian hater; he simply was committed to the idea that the government must treat the Indians as dependents and not as sovereign nations. Remembering Jackson's statement that he did precisely what he thought was right, there was little doubt that Indian removal would be aggressively pushed when the General became President.

Chapter 7

THE SUCCESS OF REMOVAL

The election of Andrew Jackson signalled the beginning of an aggressive United States Indian policy. Jackson was determined to remove the Indians west of the Mississippi River. This in itself was not a different policy, but the methods Jackson used and the force and energy with which he pursued his policy were all new. Indian removal matured as a major national issue between 1829 and 1836, and despite a strong, vocal opposition Jackson successfully removed the Indians of the south and northwest to the western side of the Mississippi.

In his First Inaugural Address, Jackson spoke very briefly about Indian affairs. He stated that his policy would be "just and liberal" and would give "humane and considerate attention to their (Indian) rights and wants which is consistent with the habits of our Government and the feelings of our people."¹ This statement was rather vague, but in his First Annual Message to Congress in December, 1829

¹James D. Richardson (ed.), Messages and Papers of the Presidents, 1789-1897, Vol. II (Washington: Government Printing Office, 1896), p. 438.

Jackson spoke at some length concerning his Indian policy. He began by telling Congress that it had been the policy of the government to introduce the arts of civilization to the Indians "in the hope of gradually reclaiming them from a wandering life." He then charged that previous administrations had defeated their own civilization efforts by simultaneously buying Indian land and thrusting the tribes farther into the wilderness. In Jackson's eyes this kept the tribes wandering and also made them suspicious of the United States. Jackson felt the government had spent lavishly to defeat its own policy in that the Indians, "receding farther and farther to the west have retained their savage habits."

The President acknowledged that some southern tribes had made some progress towards civilization and had attempted to establish an independent government in Georgia and Alabama. These states had responded by extending their jurisdiction over the Indian lands and the tribes were now turning to the government for help.¹ Jackson's response to this call for help was unprecedented and became the major method of forcing the Indians to accept removal. He answered the Indians by quoting to Congress the constitutional provision: "no new State shall be formed or erected within the jurisdiction of

¹Jackson is here referring to the process which began during the Adams administration and is described in Chapter 5. It will be remembered that Adams took no steps to counter these state measures, thus leaving any action to Jackson.

any other state" without the consent of its legislature. Jackson went on to say that "there is no constitutional, conventional or legal process which allows them (the southern states) less power over the Indians within their borders than is possessed by Maine or New York." In Jackson's judgment the federal government could not protect the Indians in their attempt to establishment of a "separate republic" within a State or territory without destroying the states which it was established to preserve. In short, Jackson told the Indians they would get no help from the executive.¹

Instead he advised them to emigrate beyond the Mississippi or submit to the laws of those states. For the first time, a President had denied that the federal government had the power to control Indian affairs within the limits of the states. In one swift stroke, Jackson destroyed the huge pyramid of federal power over the Indians, which had been built on the small constitutional foundation that gave Congress the power to regulate trade with the tribes. He had never approved of treating with the Indians and had always advocated letting Congress legislate for their interests, but now he was going a step further. The President maintained that as long as the Indians were within the limits of states or organized territories, these bodies had the power to legislate for the tribes. This became the

¹Richardson, pp. 458-459.

first step in forcing the Indians to remove. By passing laws which destroyed tribal governments the states could deprive the Indians of their rights and property and make them want to remove for sheer survival.¹

Encouraged by Jackson's stand, Georgia, Mississippi, North Carolina and Tennessee all extended their laws over the Indian lands. These laws abolished tribal government and, in effect, ended Indian nations. Mississippi's Act, extending its jurisdiction over the Indian territory within its bounds, was a good example of the trend. This act, passed in 1830, stated that all rights, privileges, immunities and franchises held by Indians and their descendants not recognized by common law were abolished. Instead, all rights of whites were extended to the Indians and all laws, statutes and ordinances of Mississippi were in force in the territory occupied by the Indians. The laws imposed fines or prison sentences upon any Indian calling himself, chief, Mingo or headman.² These statutes instantly replaced Indian culture with white customs. On the surface they appeared fair in that the Indians were given equal rights. However, this was

¹Mary E. Young, "Indian Removal and Land Allotment: The Civilized Tribes and Jacksonian Justice," American Historical Review, LXIV, 1 (October, 1958), p. 35.

²Thomas C. Cochran (ed.), The New American State Papers, Indian Affairs, Vol. I (Wilmington: Scholarly Resources Inc., 1972), p. 267.

wholly incorrect, because the redmen were seldom told their rights and were easily cheated. In the end, the tribes could never withstand the white pressure and removed. Since the denial of federal power to help the Indians was Jackson's greatest instrument in achieving removal, he was forced to develop a massive rationale for his constitutional interpretation. Many felt that the federal government had been given the power to control Indian affairs through the constitution and several treaties which had preceded Andrew Jackson. Responding to a Senate Resolution requesting information on the chief executive's compliance with the provisions of the trade and intercourse act of 1802, Jackson issued a special message to the Senate in 1831, defending his viewpoint.

He claimed that the executive had carried out its responsibilities in relation to trade and intercourse with the Indians. He said that citizens of the United States were restrained under sufficient penalties from entering upon Indian land for the purpose of hunting, settling, ranging their horses or cattle, or traveling through without permission. He conceded that the President was authorized to use military force to secure observance of these provisions. Jackson felt that he had done this until the states extended their laws over the Indians. After this, enforcement was their problem. The President defended this action at length by saying that there was not a "single instance" in the

legislation of the country in which the Indians had been regarded as possessing political rights, independent of the control and the authority of the states within the limits of which they resided.¹ For proof of his assertion Jackson resorted to the Articles of Confederation. He used a case in 1792 in which a tribe of Indians within South Carolina petitioned Congress to have certain tracts of land secured to them. Congress, in turn, recommended that the legislature of South Carolina take care of the matter and refused to interfere in the conflict.²

Jackson next referred to a proclamation issued by Congress in 1783 which stated that measures of Congress which were relative to Indian affairs should not be construed to affect the territorial claims of any state or the legislative rights within state limits.³ While this had transpired during the time of the Articles of Confederation, Jackson did not feel the situation had been altered by the adoption of the Constitution. He claimed that the clause: "Congress shall have power to regulate commerce with the Indian tribes" gave the general government complete control over the intercourse of only those tribes who were not within the limits of any state. He added that in New England and the Middle

¹Richardson, p. 537.

²Ibid.

³Ibid., p. 538.

Atlantic states the tribes had been left to the undisturbed control of the states in which they resided. Jackson admitted that the south was an exception to the rule and that the Federal Government had concluded treaties with the Cherokees in 1785 and 1790, at a time when North Carolina could not enforce its laws in the western areas. Yet Jackson asserted that these cases did not change "the political relations of the Indians to the states or to the Federal government." Jackson concluded his argument by restating:

Years since I stated to them (the Indians) my belief that if the states chose to extend their laws over them it would not be in the power of the Federal Government to prevent it. My opinion remains the same, and I can see no alternative for them but that of their removal to the west or a quiet submission to the state laws.¹

This then was Jackson's defense of his states' rights position. It was a totally new concept and stirred great controversy. But the idea was so necessary to removal that Jackson fought to defend the position.

The denial of federal control worked well to aid removal efforts for one basic reason. The Indians were always protected and treated better by the federal government; state authorities usually deprived them of their civil rights, and this led to the theft of tribal land. With federal protection gone the Indians had to choose between removing or submitting to the jurisdiction of the state. Jackson made

¹Ibid., p. 541.

removal appealing by explaining that on the western side of the Mississippi, outside of the limits of states and territories, the government could protect the Indians without a clash of state and federal authorities. Jackson explained this in his First Annual Message. He sincerely felt that if the Indians remained within the limits of states, the fate of the Mohegan and Delaware (virtual annihilation) would overtake such great tribes as the Creek, Choctaw and Cherokee. In order to preserve these tribes the government had to establish an ample district west of the Mississippi river, out of the limits of the states and territories, which would be guaranteed to the Indians for as long as they occupied it. In this district the United States government would not interfere, except to protect the tribes while the "benevolent" worked to bring them civilization. He felt emigration should be voluntary, but again warned that those Indians, who stayed would be subject to state laws.¹

Jackson believed the Indians had to be removed, but did not want to abandon them entirely. He was willing to give them their own land and protect them from outside interference. In this way, the tribes would be given more time to learn the arts of civilization and be better able to assimilate.

Jackson offered defenses for removal over and over

¹Ibid., p. 540.

again. Most messages concerning Indian removal contained lofty statements about national honor, justice and humanity demanding that the tribes be preserved through removal. While humanitarian reasons definitely were involved, there were others. Jackson's Second Annual Message to Congress highlighted these other defenses of removal. He said that a successful culmination of removal would end all danger of a collision between state and federal authorities. Jackson further believed that Indian removal would strengthen the west by opening an area from Tennessee to Louisiana for settlement. He indicated that Mississippi and Alabama would soon be relieved of their Indian occupancy and would be able to advance rapidly in wealth, population and power, while the removed tribes would be free to pursue happiness in their own way. He felt that removal would retard the process of disintegration and give the Indians time sufficient for gradual civilization. Jackson was doubtful that the Indians could be civilized where they were. He said that despite the efforts of philanthropists, the progress of decay among the Indians had never been stopped. Well aware of his history, Jackson pointed out that one by one the great New England tribes had disappeared. He then drew a parallel between Indian removal and the history of the westward movement to show that his policy was not cruel. The President pointed out that it was a great source of joy that the sons and daughters of Americans should leave home and travel thousands

of miles west. He then asked how it could be cruel for the Indians to do the same if the government paid for their expenses, gave them a new home and supported them for a year? Jackson concluded by repeating that it was the duty of the government to extinguish in the states, as soon as possible, the Indian title to all lands which were included within their limits.¹ These were the basic defenses of Jackson's removal policy. They included humanitarianism, a form of manifest destiny, the resolution of a delicate state-federal dilemma and the desire to strengthen the defense of the frontier. These justifications were repeated over and over again by Jackson and the supporters of his policy.²

In 1831 the President told Congress that time and experience had shown that living in the states was dangerous to the peace and injurious to the Indians. He also reasserted the Manifest Destiny feeling when he said that "the time is not distant, it is hoped, when Ohio will be no longer embarrassed with the Indian population." Jackson ended by saying that Indians, who were surrounded by whites, became deprived

¹Ibid., pp. 520-522.

²Jackson's concept of Manifest Destiny was contradictory. He felt that the states needed all their land to rise to their full glory. Yet, the concept didn't necessarily envision the United States expanding to the west coast. Jackson was placing the Indians between the U.S. and this goal. Thus Jackson's concept of national fulfillment involved the growth and maturing of the existing states.

of political and civil rights and wound up "dragging out a wretched existence, without excitement, without hope and almost without thought."¹

His Fifth Annual Message in 1833 was almost identical. He began by saying that once the Indians were removed, it would terminate many "difficult and embarrassing questions arising out of their anomalous political condition." Jackson went on to repeat that Indians who were surrounded by whites "have neither the intelligence, the industry, the moral habits, nor the desire of improvement" for a favorable change of their condition. "Established in the midst of a superior race, and without appreciating the causes of their inferiority or seeking to control them, they must necessarily yield to the force of circumstance and ere long disappear." Jackson concluded by saying that Indians who had removed were prosperous and content.² These defenses were used time and time again.

Despite the obvious rhetorical overstatement, Jackson was right in his belief that the Indians were decaying. All reports indicated that white pressure on the tribes were increasing. While Jackson claimed that he had completely withdrawn federal protection from the tribes, records did not reflect this. The reason why Jackson continued to protect

¹Richardson, II, p. 555.

²Richardson, III, p. 33.

the Indians can be seen in a letter from Thomas McKenney, still the head of the Indian bureau, to Lewis Cass, Governor of the Michigan Territory in 1829. McKenney informed Cass that any citizen in violation of the Intercourse Act should be prosecuted. It was by this means that the Indians could be made sensible of the protection of the government and their confidence maintained.¹ In order to get the Indians to remove Jackson had to convince the tribes that the government could protect them in their new homes. As a result, the President did attempt to keep white settlers off Indian land. Also, as the Indians made cessions the government had to be able to keep settlers off these lands until they could be surveyed and sold. Despite these needs, all of the government's restrictions appeared futile.

For years McKenney had acknowledged that all Indians who bordered on white communities were suffering from the introduction of alcohol among them.² The situation was getting so serious that in July, 1832 Congress approved an act which said that "no ardent spirits shall be hereafter introduced under any pretense, into the Indian country."³ This apparently had little effect. A Grand Jury reported in

¹Clarence Edwin Carter (ed.), The Territorial Papers of the United States, Vol. XII (Washington: U.S. Government Printing Office, 1945), p. 53.

²Ibid., p. 171.

³Ibid., p. 517.

1832 that as many as sixty barrels of alcohol had been taken into the Creek nation at one time. The result was the death of several Indians. The jury, however, could not indict anyone for doing this, since they could find no evidence. They complained that the whiskey traders knew the law and used every means to evade it.¹ Almost a year later John Stuart, an agent in the Arkansas Territory, claimed it was impossible to stop the flow of alcohol into the Indian territory because of the many roads and paths. He further claimed that the illegal traders were so numerous and had so many jurors and justices of the peace under their control that he could not prosecute. He indicated that the traders were so bold they had set up trading houses right next to the Choctaw line, and that the Indians would cross the line, buy whiskey and flee back into the brush. In concluding, Stuart said the Indians were more civilized than the people of western Arkansas.²

Illegal traders were not the Indians only problems. By 1832 white farmers were pressing the tribes everywhere and the situation was serious. In one instance, federal troops removed settlers from Creek lands in 1832 and burned their cabins. These intruders returned with the local sheriff and a writ to arrest the federal marshall in charge

¹Carter, XXI, p. 518.

²Ibid., pp. 710-711.

of white removal. A skirmish resulted and the sheriff was bayoneted by a federal trooper.¹ By 1833 the intruders had returned with a sheriff and run off the Indians. When the federal marshall again tried to force them off, he found himself facing a volunteer army of intruders.² The situation was so serious that Secretary of War Lewis Cass finally issued an order for federal troops to assist in white removal.³ This proved impossible, for as soon as the soldiers left, the intruders would return. These events tended to confirm that Jackson was right about one thing. The Indian's hold on his land and culture was deteriorating and the government was not strong enough to protect it. Since the majority of Indians were not assimilating fast enough, removal did appear as the most likely answer.

As has been seen, Jackson's removal plan was similar in its essential elements to the removal schemes envisaged by officials in the War Department during the administrations of Monroe and Adams. The government would set aside an ample district of land west of the Mississippi and divide this

¹Mary E. Young, "The Creek Frauds: A Study in Conscience and Corruption," Mississippi Valley Historical Review, Vol. XLII, No. 3 (December, 1955), p. 416.

²Grant Foreman, Indian Removal: The Emigration of the Five Civilized Tribes of Indians (Norman: University of Oklahoma Press, 1932), pp. 116-117.

³Ibid., p. 116.

region among the several tribes emigrating from the east. The government would guarantee that this "permanent home" for the Indians would be kept outside the limits of the states and territories. In addition, the government would provide an Indian agent, contribute resources for a continuing civilization program, and protect the Indians from white intruders. Finally, the total cost of removal would be paid for out of the public treasury.

The actual legislative basis for Jackson's Indian removal policy came in the form of the Indian Removal Bill passed by Congress late in May, 1830. In addition to authorizing the President to negotiate an exchange of eastern Indian land for land west of the Mississippi it committed the government to compensate the Indians for improvements on ceded lands, to pay removal costs, and pay one year's subsistence for the Indians after their removal. The final section appropriated the sum of \$500,000 for the purpose of giving effect to the above provisions.¹

Opponents of Jackson's Indian removal program mustered their forces and tried desperately to defeat the removal bill. The struggle, both in and outside of Congress, was in part sectional and partly purely an issue of party politics. In general, removal received support from the

¹Arrell M. Gibson, The Chickasaws (Norman: University of Oklahoma Press, 1971), p. 153.

south and the west and met the resistance of the northeast and middle-Atlantic states. The political division was quite clear-cut. Jacksonians defended removal and the opposition party tried valiently to defeat the removal bill and the policy.

Congressional opposition to the Jackson removal policy was led by Senator Theodore Frelinghuysen of New Jersey, who spoke eloquently and effectively against the policy. It was Frelinghuysen who tried to expose the true intent of the removal bill by offering an amendment:

Provided, always, that until the said tribes or nations shall choose to remove, as by this act is contemplated, they shall be protected in their present possessions, and in the enjoyment of all their rights of territory, and government, as heretofore exercised and enjoyed, from all interruptions and encroachments.¹

The purpose of this amendment was to test the sincerity of the proponents who insisted that no use of force was contemplated by the bill. Frelinghuysen's amendment was defeated by a vote of 27 to 20 and this proved to be the most decisive vote on the issue in the Senate. The south voted solidly against the amendment, 18 to 0. New England supported the amendment 11 to 1.²

¹Dale Van Every, Disinherited: The Lost Birthright of the American Indian (New York: William Morrow & Company, 1966), p. 117.

²Ibid.

Frelinghuysen, undismayed by the rejection of his amendment, lashed out against the removal bill in an impassioned speech that emphasized the immorality and injustice of removal. He asserted that treaties with the Indians were the "supreme law of the land" and that if violated "Truth and honor have no citadel on earth--their sanctions are despised and forgotten, and the law of the strongest prevails."¹

After a stinging attack against the inhumanity of the removal bill, Frelinghuysen turned to the specific case of the Cherokee. In his eyes the United States had pressed this tribe to give up everything they had, and added, "now that they have nothing left with which to satisfy our cravings we propose to annul every treaty and with violence and perfidy, drive the Indian from his home." In his eyes this was criminal. The Senator concluded that if the tribes were protected and educated they would rise spectacularly and beg Congress to override Georgia's laws, even if this meant civil war.²

Using such arguments, Frelinghuysen mobilized Congressional opposition to removal. The debate on the Indian Removal Bill was the high point of opposition to the policy. Yet, in spite of such passionate arguments the bill narrowly

¹Register of Debates in Congress, 21st Cong., 1st Sess., Vol. 6, pp. 310-320.

²Ibid.

passed. On April 24, 1830 the bill authorizing the President to negotiate with the tribes for removal was ordered by the Senate to be engrossed for a third reading and sent to the House. The vote was 28 to 19, and showed the sectional aspects of removal. Voting in favor of the bill were both Senators from Virginia, Georgia, South Carolina, Kentucky, Alabama, Tennessee, Louisiana, North Carolina, Mississippi, Indiana and Illinois. Opposed were all the Senators from Vermont, Maine, Massachusetts, Connecticut, Rhode Island and Delaware. The other states split their votes. Clearly removal was favored by an alliance of the western and southern states, while New England Senators generally opposed the policy.¹ This, also, roughly corresponded with Andrew Jackson's political strength and showed that removal was a party issue.

In the house, the vote was much closer, but on May 26, the bill passed 103 to 97 and was sent back to the Senate for concurrence.² On the same day the Senate approved the House copy and the bill became law. Although there was much more debate on the policy, the passage of this act meant defeat for those opposed to removal. The policy went into operation, and, despite opposition, continued to conclusion.

Jackson's biggest opposition actually came from outside the Congress. The American Board of Commissioners for

¹Ibid., p. 383.

²Ibid., p. 1136.

Foreign Missions, aided by friendly Congressmen, began a pamphlet and petition war to mobilize public opinion against removal.¹ The most damaging articles were written by Jeremiah Everts under the name "William Penn." Everts wrote several passionate articles in defense of Indian rights which appeared in the Daily National Intelligence. He also got several petitions started among clergymen and many north-eastern communities sent these to Congress.² This was a great annoyance to Jackson, but pro-Jackson newspapers and a counter campaign by pro-removal clergymen managed to keep this activity isolated to portions of New England.

Although these groups bombarded Congress with petitions, Jackson was able to partially discredit the charges of the "Foreign Missions Society" by pointing out that these men were only interested in preventing removal because they had an economic interest in the Indian lands. These missionaries did have a vested interest in opposing removal since they operated nineteen schools in the Choctaw, Cherokee and Chickasaw districts. This was an investment of about \$100,000. Jackson never advocated compensating this group for the losses caused by removal. Instead, he accused them of trying to retain their investment at the expense of the Indians. All in

¹Mary E. Young, Redskins, Ruffleshirts and Rednecks; Indian Allotments in Alabama and Mississippi, 1830-1860 (Norman: University of Oklahoma Press, 1961), p. 18.

²Ibid.

all, the opposition to Jackson's Indian policy was noisy, but ineffective. Jackson's party managed to keep control in Congress, and held to the party line in voting on Indian policy issues. Most removal legislation was passed on schedule and in spite of the clamor from very articulate defenders of the Indians.

Jackson, of course, had many defenders of his removal policy who developed a standard set of arguments reflecting Jackson's own rationale. In Mississippi the advocates of removal argued that the state needed more land to attract immigrants from the east. They felt that the Choctaw imposed a heavy financial burden on Mississippi because they didn't pay taxes, and insisted that the tribe harbored run-away slaves and criminals. The proponents argued that since the Indians were hunters and not farmers they were inferior and incapable of being civilized. Finally, they said that the Choctaw lands were in Mississippi and belonged to the state.¹ On a national level these arguments or parts of these arguments were taken up by administration supporters.

In Washington Jackson had the full support of the men in his cabinet who were involved in Indian affairs. His first Secretary of War was John Eaton, an old Tennessee friend who had served under Jackson in the Creek campaign.

¹Arthur H. DeRosier, Jr., The Removal of the Choctaw Indians (Knoxville: University of Tennessee Press, 1970), p. 107.

Eaton was a strong supporter of removal. Jackson retained Thomas McKenney as the Superintendent of Indian Affairs (McKenney was replaced in 1831 by Elbert Herring, who was also a great supporter of removal). McKenney had become pessimistic and no longer felt that salvation could take place if the Indians remained where they were.¹ He supported Jackson's programs and when a great pamphlet campaign was waged against removal in 1829 he enlisted New York City clergymen on Jackson's side by organizing the board for the "Emigration, Preservation and Improvement of the Aborigines."² This group used the church's name to solicit support for removal. In 1831, Jackson's cabinet resigned (for reasons not involving Indian affairs) and the President chose Lewis Cass to be Secretary of War. Cass had been Governor of the Michigan Territory and was experienced in Indian affairs. A study of Cass' treaties showed that he continually tried to win the affection and respect of many Indians who were inclined to believe in the power and generosity of the British government. During his work on the frontier his courage and dignity, coupled with honesty and mercy, had won from the Indians a respect and even a love for him. Cass was friendly

¹ Francis Paul Prucha, American Indian Policy in the Formative Years: The Indian Trade and the Intercourse Acts 1790-1834 (Cambridge: Harvard University Press, 1962), p. 225.

² Ibid., p. 237.

towards the Indians, but did believe strongly in removal as their only hope. He contributed greatly to the selling of the Administration policy by writing at great length, in support of removal in the North American Review in 1830.¹ Using the basic pro-removal arguments Cass built a strong case for the policy. Jackson's party controlled Congress and the president managed to get sufficient support for his Indian program. Strong help came from the Committee on Indian Affairs, which constantly advocated removal throughout the period.

In 1830 representative John Bell (Tenn.), a member of the Committee on Indian Affairs, told the House of Representatives that if the Indians remained where they were, they would be destroyed. He said that assimilation could not be relied on to save the masses of southern Indians and claimed that the common (full blood) Indian was already in danger of being considered a degraded caste in his own country. Bell concluded by saying that removal was the only hope of atoning for the mistakes of the past.² In the same year the Committee on Indian Affairs recommended removal as the only hope

¹Lewis Cass, "Removal of the Indians," North American Review, Vol. XXX (Boston: Gray and Bowen, 1830), pp. 62-120.

²Thomas C. Cochran (ed.), New American State Papers: Indian Affairs, Vol. 9 (Wilmington: Scholarly Resources, Inc., 1972), p. 175.

and introduced the Indian Removal Bill. In a strong statement on February 11, 1830, the Committee told the House that Congress could not decide the Georgia question. This was the President's job. They claimed that only a small, but powerful minority of whites and mixed-bloods wanted the Cherokee to remain in Georgia. Finally, the Committee didn't feel the Cherokee had "title by occupancy" since they had once formed a treaty with Great Britain, and recommended that the President should be given the power to exchange a district in the west for Indian land east of the Mississippi.¹

The first real challenge to Jackson's policy came through the courts of the United States. The Cherokee nation, with its lands in Georgia, was rendered desperate by the action of the Georgia legislature in December, 1829. Georgia simply announced that on June 1, 1830 all Cherokee laws, orders and regulations of any kind made by the Cherokee government would be nullified. Henceforth Georgia laws would be extended over all Cherokees. Without federal protection the Cherokee felt that the state of Georgia would annihilate them as a political society and seize their lands. They were absolutely correct. This was the cornerstone of the removal policy and this action was designed to force the Indians to remove. The tribe took their case to the Supreme

¹ Ibid., pp. 144-146.

Court and asked for an injunction to restrain the Georgia ordinance. This was an attack on the very foundation of removal. John Marshall, in 1831, in the case of The Cherokee Nation vs. The State of Georgia decided that the Cherokee were not a foreign nation, but were a "domestic dependent nation" and, as such, looked to the federal government for protection. Since the tribe was not a foreign nation, Marshall ruled it could not maintain an action in the courts of the United States. He said that "if it be true that the Cherokee nation have rights, this is not the tribunal in which these rights are to be asserted," and denied the motion for injunction.¹ Although Marshall had actually avoided the question of whether the states or the federal government had jurisdiction over the Indians, it was a victory for Jackson and his policy. The court had not ordered the government to restrain Georgia. However, this victory was short-lived.

In 1832, a Massachusetts missionary, Samuel Worcester, brought suit against the state of Georgia. Worcester had been arrested for entering the Cherokee reservation without obtaining a pass from the state. This violated a new Georgia law which prohibited anyone from entering Cherokee land without permission. Worcester challenged the law and this time Marshall could not claim that he lacked jurisdiction. In his

¹"The Cherokee Case," The North American Review, Vol. XXXIII, July, 1831 (Boston: Gray and Bowen, 1831), pp. 139-142.

decision he again called the Cherokees a "domestic dependent nation," but this time he asserted that they had a right of jurisdiction over their soil that was superior to Georgia's right.¹ While this appeared a serious threat to the states-rights cornerstone of Indian policy, it did leave an opening for Jackson. Marshall's decision did not specifically reverse the court's previous decision that it had no power to enjoin Georgia from exercising her jurisdiction. Thus, making Cherokee sovereignty superior would require United States troops.² Jackson merely refused to use the troops or to enforce the decision, and in a matter of speaking, his policy has survived the courts.

As treaties were signed and a considerable number of Indians began to migrate west of the Mississippi new problems arose. There was a definite need to make provision for these emigrants and there was a need for a reorganization in the administration of Indian affairs. On May 20, 1834 Congressman Horace Everett, a member of the Committee on Indian Affairs, responded to Jackson's request for a reorganization, by presenting three bills. The first was to provide for the organization of a Department of Indian Affairs. This had long been advocated by men like Calhoun and McKenney, and

¹ Mary E. Young, Redskins, Ruffleshirts and Rednecks; Indian Allotments in Alabama and Mississippi, 1830-1860 (Norman: University of Oklahoma Press, 1961), p. 17.

² Ibid.

Jackson agreed it was necessary. The next bill was a new trade and intercourse act which Jackson felt was needed to regulate trade in the new Indian territory (This territory was in present-day Oklahoma). Last of all, a bill was introduced to provide for the establishment of the western territory and for the security and protection of the emigrant and other tribes therein.¹

The Intercourse Act passed the House without debate, was passed by the Senate, and became law. It was basically a restatement and codification of past policy.² It provides for the licensing of all traders by agents or sub-agents and excluded foreigners from the Indian trade.³

The bill entitled "An Act to Provide for the Organization of a Department of Indian Affairs" also passed both houses easily and became law. This important piece of legislation removed the Governors of territories as superintendents of Indian affairs and established one superintendent for all Indians west of the Mississippi at St. Louis. The superintendent was charged with exercising general control

¹Register of Debates in Congress, 23rd Cong., 1st Sess., Vol. X (Washington: Gales and Seaton, 1834), p. 4200.

²Francis Paul Prucha, American Indian Policy in the Formative Years: The Indian Trade and the Intercourse Acts, 1790-1834 (Cambridge: Harvard University Press, 1962), p. 251.

³Register of Debates in Congress, 23rd Cong., 1st Sess., Vol. X, Appendix, p. 344.

over the official conduct and accounts of all officers and persons employed by the government in the Indian department. Under the superintendent a set number of Agencies and sub-agencies were to be established by the Secretary of War. Agents and sub-agents were to manage intercourse with the Indians, carry out the instructions of the Secretary of War, the Committee on Indian Affairs and the Superintendent of Indian Affairs, and implement regulations of the President of the United States.¹ This act greatly improved the efficiency of the government in handling Indian affairs. It streamlined the Indian office by cutting down personnel, establishing a direct chain of command and giving the superintendent decision-making power.

The third bill, entitled "An Act for the Establishment of the Western Territory, and for the Security and Protection of the Emigrant and other Indian Tribes Therein" floundered in the House of Representatives and was never passed. This legislation would have established boundaries for the Indian territory and guaranteed this land to the Indians and their descendents. In addition, it provided that each tribe would organize a government for their own internal affairs, while a general council was established as the governing body of a voluntary confederation of the tribes. This confederation would send one delegate to Congress. Finally, the bill

¹Ibid., Appendix, pp. 347-348.

provided that the territory would have a governor, appointed by the President, and it was hoped that the area would eventually become a state. The bill was mainly opposed by easterners and John Quincy Adams was the leading opponent.¹ Adams said his main objection to the bill was that it was "extraordinary and unconstitutional."²

Adams felt that the bill divested all power over the Indians from Congress and put it into the hands of the President. He thought this was wrong and he also believed that the United States had no right to regulate the tribes (in spite of the fact that the United States had done this in some form for decades). Last of all, Adams objected to the eleventh section of the bill which allowed a confederation of the tribes in the Indian territory to have a delegate on the floor of Congress. He asked members of the House if they were ready to admit Indians in their own states as full citizens.³ Eventually the motion was tabled and lost when Congress adjourned. Realizing that there was little hope of keeping the removal pledges to the Indians if this bill was not passed, Jackson and his followers tried to revive it in

¹Francis Paul Prucha, "Andrew Jackson's Indian Policy: A Reassessment," Journal of American History, LVI, 3 (December, 1969), p. 537.

²Register of Debates in Congress, 23rd Cong., 1st Sess., Vol. X, p. 4763.

³Ibid., pp. 4767-4769.

1835.¹ Representative George R. Gilmer of Georgia moved to take up consideration of the bill and told the House that the Secretary of War had informed him that the "immediate passage of this bill was highly imperative."² Despite a small amount of discussion, the effort was lost and the bill failed for the final time. This was the biggest failure in Jackson's policy and doomed any chance the Indians had to take their place in American society. Despite the fact that the bill was the logical conclusion of civilization and education efforts, men like John Quincy Adams, who had supported such philanthropic endeavors, defeated it.

In spite of this failure, Jackson had enough legislation to aggressively pursue removal. His policy focused in two main areas. The first of these was Ohio which contained several smaller, weaker tribes. The second area was in the south where the five civilized tribes, Cherokee, Choctaw, Chickasaw, Creek and Seminole were located. Jackson's hard bargaining, his withdrawal of federal protection for the Indians, and the extension of state laws over the Indian lands combined to make removal efforts completely successful. In Ohio Jackson encountered little resistance to removal. On May 28, 1831 he appointed James B. Gardiner as a special

¹Prucha, American Indian Policy, p. 273.

²Register of Debates in Congress, 23rd Cong., 2nd Sess., Vol. XI (Washington: Gales and Seaton, 1835), p. 1445.

commissioner to treat with the Indians in Ohio for removal. Gardiner accomplished his task with relative ease, and was able to clear Ohio of Indians easily and quickly. By 1832, he had concluded removal treaties with the Seneca, Shawnee, Ottawa and Wyandot tribes. His mission was accomplished.¹

In the south, the strength of the tribes, and the progress towards civilization which they had made caused removal to be more difficult. But Jackson eventually succeeded. In 1830 the Choctaw signed to remove. The Creeks, Seminoles, and Cherokees signed removal treaties in 1835 and the Chickasaw held out until 1837. The signing of the treaties did not make removal a reality. Bitter struggles often occurred afterwards and it was many years before the tribes were fully removed. However, the treaties did start an irreversible process in motion. By 1836, Jackson told Congress that the policy of removal was complete, and once again he asked the legislators for a comprehensive system of protection, supervision and improvement of the tribes in the Indian country.² Jackson was genuinely concerned about the welfare of the tribes and did not want to abandon them, once they were out west. In his farewell address on March 4, 1837 Jackson was able to say that "the states which have

¹James D. Richardson (ed.), Messages and Papers of the Presidents, Vol. II (Washington: Government Printing Office, 1896), p. 372.

²Ibid., p. 256.

been so long retarded in their improvement by the Indian tribes residing in the midst of them are at length relieved from the evil . . ." He continued by saying that the Indians were now in a position where they could share the blessings of civilization and be saved from destruction. He concluded by adding that "the paternal care of the general government will here after watch over them and protect them."¹

The failure of Congress to pass the bill of 1834 designed to organize the Indian Territory and provide for its government would prove to be a serious error on the part of the critics of removal. For while that aspect of Jackson's program wasn't necessary for the completion of removal operations, it was the only way the country could keep its promises to the removed tribes. Removal was completed, but the Indians were denied a chance to take a place in American society, and the question of Indian rights plagued and still does plague the American conscience.

¹Ibid., p. 294.

Chapter 8

CONCLUSIONS

By 1840, removal of the Indians to the western side of the Mississippi was nearly completed. Those Indians who hadn't removed were preparing to go or being forced to comply with the removal treaties. The culmination of removal marked the end of an era in American Indian policy. Five Presidents had tried for almost forty years to make removal a reality. Andrew Jackson finally achieved success by introducing the one element into the policy which had been missing. This was an aggressively energetic pursuit of the goals which had been set. Jackson felt that removal was the only way in which to save the Indians and felt that the ends justified any means he might use. While this caused much discussion and anger among his opponents, it was, from a pro-removal standpoint, strikingly effective in achieving results.

Throughout the era when removal was being pursued, Indian policy emerged as a major national issue. Yet, it never became the central issue on which Presidents focused their attention. The young republic had many more pressing problems. The national debt, reduction of the army, occasional depressions, the public land question, constitutional

issues, foreign relations, war, and the National Bank were all issues that occupied a greater amount of time for the men who ran the United States. Indian affairs, even during Jackson's administration, remained a secondary issue. It was important, but did not win or lose elections. Many facts point this out. Most importantly was the fact that the Indian office was always given less money than it needed. Forced to economize, the department found it impossible to be effective. Added to this was the fact that the army was too small to act as an efficient enforcing arm for Indian administration. Enforcement of regulations pertaining to Indian affairs was haphazard and sporadic at best. All this was not helped by the great confusion caused by the loose organization of Indian administration. Factory superintendents, army officers, Indian agents, and territorial governors all had a hand in running Indian affairs. Often their specific duties were unclear or overlapped, and often they would not cooperate. The only man with real decision-making power in Indian affairs was the Secretary of War and he had too many other duties to handle every little problem that came up concerning Indian administration. Thus, action to correct flaws or deficiencies in the running of affairs usually lagged. This made any stated policy inconsistently and, as has been seen, ineffectively applied.

Another factor in the long delay to achieve removal was the fact that until Andrew Jackson all the Presidents

came from eastern or southern coastal states. Their attitudes were more eastern and they never understood the full intensity of Indian problems on the frontier. Jefferson, Madison, Monroe and Adams were all willing to pursue a mild policy towards the Indians in order to maintain peace on the frontier. Their concern for minimizing the size of the army and a reduction of the national debt ruled out any real attempts to deal effectively with Indian problems. They never understood the attitudes of the western frontiersmen and farmers, who clamored for more land and more protection. The attempts of Jefferson and Madison to obtain Indian land through cessions were inspired as much by defense needs and foreign relations considerations as they were by western clamor. Both these men pursued self-defeating policies. They attempted to keep the Indians peaceful, but kept demanding more land. This increased hostilities and the outcome was obvious. Finally, after the War of 1812, with Indian military power broken in both the northwest and the south Madison, Monroe and Adams were still reluctant to carry on a large, expansive Indian policy to satisfy the land demands of westerners. This was in spite of the fact that the ouster of the British had opened up the frontier and thousands of white Americans were pouring in and pressing upon Indian land. Also, Indian military power in the northwest and the south had been seriously weakened and the tribes could not defend themselves.

The very least the government should have done was to increase the number of troops and forts on the frontier in order to protect the several tribes. Even if removal could not be achieved there were a set of principles which had emerged as the policy of the United States government. These included the protection of Indian rights to their land by the setting up of definite boundaries for Indian country and the restriction of whites from it. The government had the duty of removing illegal white intruders and punishing men for crimes against the Indians. Also it was the object of the government to regulate and restrict the Indian trade and prohibit liquor from entering Indian country. Added to this was the assertion that only the government could acquire land from the Indians, and finally there was the policy of promoting civilization and education among the Indians.¹ Jefferson, Madison, Monroe, Adams and Jackson had neither the money nor men to achieve these goals. In order to pursue these policies effectively a large, organized enforcement agency was needed. The army was the obvious agent to do the enforcing, but instead of being increased the size of the army was slashed from 10,000 to 6,000 in 1821. This made any of the above goals unattainable. Since these were doomed, the only alternative was to remove the Indians before the white pressed in around them, stole their land and cheated

¹ Francis Paul Prucha, American Indian Policy in the Formative Years: The Indian Trade and the Intercourse Acts, 1790-1834 (Cambridge: Harvard University Press, 1902), p. 2.

them in trade. Jefferson and Madison tried to keep up with white pressure with land cessions, but this was impossible. Monroe and Adams attempted to do the job with moderate removal and it is not unlikely to suppose that if this moderate policy had continued for forty more years the great tribes of the south would have virtually disappeared.

The arrival of Andrew Jackson in the White House changed this. Jackson's western attitudes and frontier experience made him well aware of what was happening on the frontier and well aware of the Indian's plight. Theoretically, Jackson could have tried to protect the Indians where they were, but he knew the army was not large enough to patrol the entire frontier. His knowledge of the frontier and the men on it made him inclined to believe in removal. He pursued this policy aggressively and, at times, ruthlessly. Many of his methods were not commendable and yet his policy did move the Indians out of the way of white pressure for a time and gave them a second chance. He probably did save these tribes from cultural extinction. In the Indian territory the redman had time to adopt the white customs and the government had time to become stronger. The tribes did not disintegrate, but in fact, grew, prospered and as Grant Foreman has said, equalled the best examples of white

frontier settlement.¹

Francis Prucha agrees, and of the four alternatives he listed he concluded that only removal was workable. The first alternative was, of course, the complete destruction or annihilation of the tribes.² Jackson could not and would not use this. He had never advocated the extermination of the Indians. He had worked with them and treated them as human beings. Despite the fact that many frontiersmen did advocate annihilation, Jackson always fought the idea.

The second alternative was a speedy assimilation of the tribes. Prucha concludes this was impossible for the simple reason that it was not the goal of most Indians to become white men.³ If the redman was going to assimilate, it would take time that the white pressure east of the Mississippi would not give them.

Prucha saw the third alternative as placing the Indians in reserves east of the Mississippi which would be surrounded by white settlement. The enclaves would be protected by the army from white intrusion. As has been

¹Grant Foreman, Indian Removal: The Emigration of the Five Civilized Tribes of Indians (Norman: University of Oklahoma Press, 1932), p. 386.

²Francis Paul Prucha, "Andrew Jackson's Indian Policy: A Reassessment," Journal of American History, LVI, 3 (December, 1969), p. 534.

³Ibid., p. 535.

seen it would have been impossible to provide a standing army of such strength. Also this would not have been possible in the light of the state-federal conflict which existed.¹ This left removal as the only answer, and if removal was to work it would have to be pursued aggressively and quickly. Jackson was willing to do this, and eventually achieved results. Although his methods must be questioned, his intentions seemed honorable. Removal could not have been the policy of Indian-haters if such men as John C. Calhoun, Thomas McKenney and Lewis Cass supported it. It emerged as the only solution to an enormous problem.

During this entire study the author has tried to avoid value judgments and present a descriptive narrative of the men and events concerning Indian policy. At this point, it is difficult not to defend the removal policy. From 1800 to 1837 all evidence indicated that the majority of Indians were deteriorating in that their culture and way of life was being ruined by alcohol, illegal and unfair trade, and white farmers. This was in spite of efforts by federal authorities to protect them. It was true that many federal officials were corrupt and tried only half-heartedly to enforce the Intercourse Acts; but for every bad government employee there was at least one honest, sympathetic and sincere official, who attempted to do his job. Even

¹Ibid.

Andrew Jackson as commander of the southern military district of the United States attempted to remove white settlers from Indian land. The frontier was simply too expansive and the white intruders were too aggressive, impatient and numerous to allow protection to be a viable alternative. Assimilation had, for the most part, failed since the early 1600's and it was not conceivable that, as many Indian supporters claimed, it would succeed in one or two generations. It was true that Indians who had adopted white customs did rise to the economic control of the tribes and did very well by white standards. John Ross of the Cherokee, Greenwood LaFlore of the Choctaw, and George and Levi Colbert of the Chickasaw were all good examples of this. However, these men were, for the most part, mixed-bloods and seldom represented the views of the full-blood or so-called "common" Indians. The two groups did join together in the fight against removal, but usually for different reasons. Mixed-bloods had a vested economic stake, which they sought to preserve, while the full-bloods wished to remain in the land of their forefathers and attempt to preserve their traditional way of life. The mixed-bloods usually discarded the old ways, wore white clothes and adopted white customs. They became wealthy and often did not remove with the tribes, but stayed in the south and became influential plantation owners. LaFlore was a good example of this.

Physical annihilation, although it had been practiced

in colonial New England, and was advocated by some frontiersmen, was never even considered as an alternative by national leaders. The use of such a policy would certainly have been a disgrace to the whole civilized world. Yet, cultural annihilation was practiced throughout the period. Missionaries who tried to civilize the Indians were attempting to destroy Indian civilization, and the failure of the moderate protection policies of Madison, Monroe, Calhoun and Adams also meant the cultural doom of the tribes.

This appeared to leave only removal, but by 1830 Theodore Frelinghuysen developed one last alternative to the policy. He indicated his willingness to resort to civil war to protect Indian rights. Apparently this action was expected to coerce Georgia, Mississippi, and Alabama into recognizing tribal land and government rights for all times. Fortunately, this was never taken seriously by any other national leaders. During the 1830's the state-federal conflict in South Carolina and Georgia was important enough that the southern states may have given the federal government all the civil war it could handle. No matter who won the obvious loser would have been the Indians. Such an event would have given the southern states a chance to practice physical and cultural annihilation, and it is probable that within months the Indians would have had no land and nowhere to go.

As a result removal emerged as the logical choice.

Convincing the Indians of this was the biggest problem. Madison, Monroe, Calhoun and Adams all failed to do this. Andrew Jackson did not even try. He bullied the tribes into signing removal treaties and then forced them to comply. Jackson used any method possible to pursue removal. The fact that throughout his career Jackson denied the propriety of treaties and then as President used them to full advantage showed the willingness of the man to achieve his goal through any means. Jackson's aggressive methods made removal a reality, but also led to the greatest tragedy connected with the policy. This was the death, starvation and discomfort of many Indians during the trip west. Attempting to move over 60,000 Indians from the south alone was no small task. The speed with which this became necessary led to the mismanagement, inefficiency and corruption which accompanied actual removal operations. This was tragic and unnecessary and cannot be condoned. However, history itself has born out the correctness of removal. In 1973 the very thought of moving an entire race of people from their homes seems incredibly unjust, and in the refined, introspective society of today it is very easy to criticize former leaders for this action. But in wild, unsettled, restless and aggressive early 19th century America the policy could easily be seen as just and correct. It is unfair to judge a bygone era by artificial standards which they never conceived. The mere fact that the revival of

interest in Indian culture which has taken place in the early 1970's is based upon cultures, which men of the 1830's found a way to preserve long enough to be revived, is an endorsement for the removal policy.

BIBLIOGRAPHY

BIBLIOGRAPHY

A. Primary Sources

1. Collected Documents

Carter, Clarence Edwin (Ed.). The Territorial Papers of the United States. Vols. III-XXII. Washington: U.S. Government Printing Office, 1934-1956.

Cochran, Thomas C. (Ed.). The New American State Papers; Indian Affairs. Vols. 1-13. Wilmington: Scholarly Resources Inc., 1972.

Joint Committee on Printing of the House and Senate. Mess-
sages and Papers of the Presidents. Vols. 1-4. New
York: Bureau of National Literature Inc., 1897.

Kappler, Charles J. (Ed.). Indian Treaties 1778-1883. New
York: Interland Publishing Co., 1972.

Richardson, James D. (Ed.). Messages and Papers of the
Presidents, 1789-1897. Vols. I-II. Washington: U.S.
Government Printing Office, 1896.

U.S. Congressional Record. 15th Congress-23rd Congress.
Washington: Gales and Seaton, 1825-1855.

2. Letters and Narratives

Bassett, John Spencer (Ed.). Correspondence of Andrew
Jackson. Vol. I-III. Washington: Carnegie Institution,
1926-1928.

Cass, Lewis. "Removal of the Indians," North American Review,
XXX (1830), 62-120.

"The Cherokee Case," North American Review, XXXIII (July,
1831).

Hemphill, Edwin W. (Ed.). The Papers of John C. Calhoun,
1817-1818. Vol. II. Columbia: University of South
Carolina Press, 1962.

Jefferson, Thomas. Notes on the State of Virginia. Chapel Hill: University of North Carolina Press, 1946.

Library of Congress. Presidential Papers. Jackson, Andrew, President, U.S., 1767-1845. (78 reels on microfilm).

Mayo, Bernard (Ed.). Jefferson Himself: The Personal Narrative of a Many-Sided American. Charlottesville: The University Press of Virginia, 1970.

3. Government Documents

U.S. Congress. House of Representatives. House Documents:
25, 15th Cong., 2nd Sess.; 46, 16th Cong., 1st Sess.;
34, 17th Cong., 1st Sess.; 110, 17th Cong., 1st Sess.;
165, 19th Cong., 1st Sess.; 59, 19th Cong., 2nd Sess.;
98, 19th Cong., 2nd Sess.; 106, 20th Cong., 1st Sess.;
39, 19th Cong., 2nd Sess.; 28, 19th Cong., 2nd Sess.;
233, 20th Cong., 1st Sess.; Executive Documents: 102,
 19th Cong., 1st Sess.

U.S. Congress. Senate. Senate Documents: 80, 20th Cong.,
 1st Sess.; 21, 19th Cong., 2nd Sess.; 1, 20th Cong.,
 1st Sess.; 1, 20th Cong., 2nd Sess.

Annals of Congress. Second Session of Sixteenth Congress
 through Second Session of Seventeenth Congress.
 Washington: Gales and Seaton, 1821-1825.

Register of Debates in Congress. Second Session of Eighteenth
 Congress through Second Session of Twenty-third Congress.
 Washington: Gales & Seaton, 1826-1828.

B. Secondary Sources

1. Books

Bassett, John Spencer. The Life of Andrew Jackson. Hamden,
 Conn.: Archon Books, 1967.

Billington, Ray Allen. Westward Expansion, A History of the
 American Frontier. New York: The MacMillan Co., 1949.

Brant, Irving. James Madison. Vols. IV-VI. New York: Bobbs-
 Merrill Co. Inc., 1953-61.

_____. The Fourth President: The Life of James Madison.
 New York: Bobbs-Merrill Co., 1970.

- Coit, Margaret L. John C. Calhoun, American Portrait. Boston: Houghton, Mifflin Company, 1950.
- Cressen, W. P. James Monroe. Chapel Hill: University of North Carolina Press, 1955.
- Debo, Angie. A History of the Indians of the United States. Norman: University of Oklahoma Press, 1970.
- _____. The Road to Disappearance. Norman: University of Oklahoma Press, 1970.
- _____. The Rise and Fall of the Choctaw Republic. Norman: University of Oklahoma Press, 1934.
- DeRosier, Arthur H., Jr. The Removal of the Choctaw Indians. Knoxville: University of Tennessee Press, 1970.
- Foreman, Grant. Indian Removal: The Emigration of the Five Civilized Tribes of Indians. Norman: University of Oklahoma Press, 1932.
- Gibson, Arrell M. The Chickasaws. Norman: University of Oklahoma Press, 1971.
- Hirst, Francis W. Life and Letters of Thomas Jefferson. New York: The MacMillan Company, 1926.
- James, Marquis. The Life of Andrew Jackson. New York: Bobbs-Merrill Company, 1938.
- Koch, Adrienne. Jefferson and Madison: the Great Collaboration. New York: Alfred A. Knopf, 1950.
- McLaughlin, Andrew L. Lewis Cass. Boston & New York: Houghton, Mifflin and Company, 1891.
- Meigs, William M. The Life of John Caldwell Calhoun. Vol. 1. New York: G. E. Stechert & Co., 1917.
- Padover, Saul K. A Jeffersonian Profile as Revealed in His Letters. New York: John Day Co., 1956.
- Pessen, Edward. Jacksonian American Society, Personality, and Politics. Homewood, Illinois: Dorsey Press, 1969.
- Prucha, Francis Paul. American Indian Policy in the Formative Years: The Indian Trade and the Intercourse Acts, 1790-1834. Cambridge: Harvard University Press, 1962.

Schlesinger, Arthur M. The Age of Jackson. Boston: Little, Brown and Company, 1945.

Schulz, Harold S. James Madison. New York: Twayne Publishers, Inc., 1970.

Sheehan, Bernard W. Seeds of Extinction: Jeffersonian Philanthropy and the American Indian. Chapel Hill: The University of North Carolina Press, 1973.

Van Every, Dale. Disinherited: The Lost Birthright of the American Indian. New York: Villiam Morrow and Company, 1966.

Washburn, Wilcomb E. Red Man's Land/White Man's Law: A Study of the Past and Present Status of the American Indian. New York: Charles Scribner's Sons, 1971.

Wiltse, Charles M. John C. Calhoun Nationalist, 1778-1828. Vol. I. New York: The Bobbs-Merrill Company, 1944.

Woodward, Grace Steele. The Cherokees. Norman: University of Oklahoma Press, 1969.

Young, Mary Elizabeth. Redskins, Ruffleshirts, and Rednecks: Indian Allotments in Alabama and Mississippi, 1830-1860. Norman: University of Oklahoma Press, 1961.

2. Periodicals

Abel, Anne Heloise. "The History of Events Resulting in Indian Consolidation West of the Mississippi River," American Historical Association, Annual Report for the Year 1806, I (1908).

Prucha, F. P. "Andrew Jackson's Indian Policy: A Reassessment," Journal of American History, LVI, 3 (December, 1969), 527-539.

Way, Royal B. "The United States Factory System for Trading with the Indians, 1796-1822," The Mississippi Valley Historical Review, VI (September, 1919), 220-235.

Young, Mary E. "Indian Removal and Land Allotment: The Civilized Tribes and Jacksonian Justice," The American Historical Review, LXIV, 1 (October, 1958).

_____. "The Creek Frauds: A Study in Conscience and Corruption," The Mississippi Valley Historical Review, XLII, 3 (December, 1955).